

GERONALD D. BELL  
UNITED STATES vs STATE OF GEORGIA

January 09, 2023

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
STATE OF GEORGIA,  
Defendants.  
- - - - -

) CIVIL ACTION  
) NO. 1:16-cv-03088-ELR  
)  
)  
)  
)  
)  
)  
)

VIDEOTAPE DEPOSITION OF  
GERONALD D. BELL

Monday, January 9, 2023, 9:03 a.m., EST

HELD AT:

Robbins Firm  
500 14th Street, N.W.  
Atlanta, Georgia 30318

-----  
WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

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1 ALSO PRESENT VIA ZOOM:

2 U.S. Attorney's Office:

3 VICTORIA LILL, ESQUIRE

4 ANDREA HAMILTON, ESQUIRE

5 ALLISON EVERS, ESQUIRE

6  
7  
8 STACEY SUBER-DRAKE, ESQUIRE  
9 Georgia Department of Education  
10  
11  
12  
13  
14  
15  
16  
17  
18

19 ALSO PRESENT:

20 BRANDON BRANTLEY, Videographer  
21  
22  
23  
24  
25

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1 THE VIDEOGRAPHER: This is the video  
2 deposition of Geronald Bell, being taken in the  
3 matter of United States of America versus State  
4 of Georgia.

5 Today's date is January 9th, 2023. The  
6 time on the record is 9:03 a.m.

7 My name is Brandon Brantley. I'm the  
8 videographer. Wanda Robinson is the court  
9 reporter.

10 Counsel, please introduce yourselves for  
11 the record, after which the court reporter will  
12 swear in the witness.

13 MS. TAYLOE: Laura Tayloe for the United  
14 States.

15 MS. TUCKER: Michelle Tucker for the  
16 United States.

17 MS. GARDNER: Kelly Gardner for the United  
18 States.

19 MS. HERNANDEZ: Danielle Hernandez for the  
20 State of Georgia.

21 - - - - -

22 GERONALD D. BELL,  
23 being duly sworn, was examined and testified as  
24 follows:

25 - - - - -

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1 EXAMINATION

2 BY MS. TAYLOE:

3 Q Good morning, Mr. Bell.

4 A Good morning.

5 Q Thank you for your time this morning. I  
6 represent -- I'm Laura Tayloe, as you heard, and I  
7 represent the United States in this matter.

8 I'm here with my colleague, who you just  
9 met, too, and I will be taking your deposition  
10 today.

11 A Okay.

12 Q Could you state your full name and spell  
13 your name for the record, please.

14 A Yes. My name is Geronald Bell,  
15 G-E-R-O-N-A-L-D. Last name is Bell, B-E-L-L.

16 Q And am I correct you're being represented  
17 by Ms. Hernandez for purposes of the deposition  
18 today?

19 A Yes.

20 Q Have you ever been deposed before?

21 A No.

22 Q This has probably been explained to you  
23 previously then, but we're going to have a  
24 conversation where I'm going to ask questions, and  
25 your job is to answer them completely and honestly

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1 as you can. If you think of things later, you can  
2 always come back and supplement your answer.

3 If you don't understand my question, feel  
4 free to ask me to rephrase or let me know you don't  
5 understand, and I'll see if I clarify it.

6 MS. HERNANDEZ: Before you start asking  
7 questions, you want to state on the record we  
8 reserve objections except to form and  
9 privilege?

10 MS. TAYLOE: Sure. Probably moving to  
11 that now.

12 We'll state on the record that the parties  
13 have agreed to reserve same objections except  
14 as to form and privilege.

15 MS. HERNANDEZ: Thank you.

16 BY MS. TAYLOE:

17 Q So the court reporter is going to be  
18 recording what you was and I say. So I'm going to  
19 ask that your answers be verbal, not a shake of the  
20 head or nod of the head and not uh-uh or uh-huh but  
21 yes and no.

22 Can you agree to try to do --

23 A Yes.

24 Q -- that?

25 And the other thing we're going to need to

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1 do is to try to avoid talking over each other. So  
2 I'm going to ask you to let me finish my question  
3 before you answer it, and I will let you finish your  
4 answer before I ask my next question.

5 Is that okay?

6 A Yes.

7 Q And Ms. Hernandez may occasionally note an  
8 objection for the record. That doesn't mean you  
9 shouldn't answer the question unless she instructs  
10 you not to. It's just she's putting something on  
11 the record that she wants to note an objection, but  
12 you can still answer the question.

13 A Okay.

14 Q And we will take occasional breaks but if  
15 you need one aside from when we talk, just let us  
16 know. Let Ms. Hernandez or me know, and we can  
17 figure out when the next good time to take a break  
18 is. Just if you're -- if there's a question  
19 pending, I would ask you answer that question before  
20 we take a break.

21 A Okay.

22 Q Is there any reason you can think of,  
23 including any medication or any kind of disability,  
24 why you would not be able to understand the question  
25 and answer completely and truthfully today?

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1 A No reason I can think of.

2 Q Okay. Thank you. Okay.

3 MS. TAYLOE: Then I would like to mark as  
4 Exhibit 745 the deposition notice.

5 (WHEREUPON, Plaintiff's Exhibit-745 was  
6 marked for identification.)

7 BY MS. TAYLOE:

8 Q And this is the one we practiced on. So  
9 Allison, my colleague, is going to put it on the  
10 screen again and give you control so you can review  
11 it.

12 When she gives you control, that means you  
13 can scroll up and down.

14 THE VIDEOGRAPHER: You need to share it  
15 with the witness. I changed that. I'm sorry.

16 (Witness reviews exhibit.)

17 A Okay. I've read it.

18 Q Okay, thank you.

19 Have you seen this document before?

20 A Not to my knowledge, no.

21 Q Were you informed -- this document is a  
22 subpoena for you to testify at a deposition. Were  
23 you informed about this document?

24 A Well, indirectly. I mean I was informed  
25 of the deposition but not -- I may have just missed

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1 it, so I don't want to say. But, yeah, I was  
2 informed of the deposition through DOE counsel, but  
3 I didn't know of this particular document.

4 Q That's fine.

5 Can you confirm that your presence here  
6 today is pursuant to this request for a deposition?

7 A Yes.

8 Q Did you do anything to prepare for today's  
9 deposition?

10 A Not in specifics. I know I spoke with  
11 counsel, just as far as what was to be expected, but  
12 nothing -- well, let me ask, what do you mean? Do  
13 you mean just getting ready for the deposition or  
14 getting ready for GNETS, GNETS case?

15 Q Okay. I'm going to talk about the  
16 deposition first. To be clear, I'm not going to ask  
17 you to reveal the substance of anything you  
18 discussed with counsel, I'm just asking whether  
19 there were discussions and any other kinds of  
20 preparations you did for today's deposition.

21 A Well, the general purpose on what a  
22 deposition is. It's my first one, so what to  
23 expect, kind of answer questions.

24 That did occur, yes.

25 Q And did you review any documents in

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1 anticipation of the deposition?

2 A No.

3 Q Did you meet with anybody besides counsel?

4 A No.

5 Q Did you bring any documents with you  
6 today?

7 A No.

8 Q So now back to your distinction for GNETS  
9 generally.

10 Did you review documents in connection  
11 with the litigation?

12 A No, I did not.

13 Q Did you speak with -- again, don't reveal  
14 the substance of it, but did you speak with counsel  
15 about the litigation?

16 A Very, very generally.

17 Q Did you speak with anybody besides counsel  
18 about the litigation?

19 A I think I told my -- I had to tell my  
20 supervisor where I would be today, but not -- I told  
21 him I was being deposed but I didn't -- I don't  
22 think we talked very much about the case, though.

23 Q Okay. When you met with counsel to  
24 discuss this upcoming defense, about how long would  
25 you say that meeting was?

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1 A Maybe 30, 45 minutes.

2 Q Okay. And was that with Ms. Hernandez?

3 A Yes.

4 Q Was anybody else present?

5 A DOE counsel. I'm sorry. Ms. Stacey.

6 Q Suber-Drake?

7 A Suber-Drake.

8 Q Nobody else was present besides those two?

9 A No.

10 Q Thank you.

11 And you mentioned you told your supervisor  
12 that you were going to be out today. We're going to  
13 get this later, but as long as we just mentioned  
14 him, could you state who your supervisor is?

15 A Jon Cooper.

16 Q Okay, thank you.

17 Have you spoken with anybody else in the  
18 Department of Education who has been deposed in this  
19 matter?

20 A Yes.

21 Q Have you spoken with them about their  
22 depositions?

23 A Very, very generally, I guess I would say.

24 Q Who did you speak with?

25 A I spoke with Amber McCollum.

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1 Q And what kinds of things did you discuss  
2 generally with her?

3 A She said she wasn't allowed to talk about  
4 the case or anything, so she just talked about the  
5 process of being deposed, you know, the questions --  
6 not the questions but just the questioning, the  
7 process. Basically explaining to me more what it  
8 would be like to be deposed.

9 Q Did she tell you anything about the  
10 substance of the questions --

11 A No.

12 Q -- she was asked?

13 Have you read any deposition transcripts  
14 or notes about the case?

15 A No.

16 Q And did you do anything else, any of this  
17 help you to remember anything else to help you  
18 prepare for today's deposition?

19 A No.

20 Q Thank you.

21 Do you understand this deposition is being  
22 taken in connection with the litigation against the  
23 State of Georgia relating to the GNETS program?

24 A Yes.

25 Q Are you aware -- well, I just called it

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1 the GNETS program, but for the record it's the  
2 Georgia Network for Educational and Therapeutic  
3 Support.

4 A Right. I can't remember.

5 Q We're going to go through a bunch of  
6 acronyms in a bit because we all deal with them a  
7 lot.

8 When did you first learn about this  
9 litigation?

10 A I don't know exactly. I know it's -- I  
11 mean it's been on the back burner I guess -- I'm  
12 assuming a few years now but I don't remember  
13 exactly when I learned.

14 Q So was it recently or more close to the  
15 time when the litigation was started?

16 A I think I heard something was happening  
17 when it first started but that was all I heard of.  
18 You know, just basically something is happening but  
19 that's it.

20 Q Have you been involved in any of the  
21 requests for documents, the production of documents  
22 or responses to interrogatories?

23 A Yes.

24 Q What was your involvement?

25 A I sent, you know, financial documents,

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1 budget information.

2 Q In what form -- did they ask you for  
3 specific documents or did somebody ask you for  
4 information generally and you sought the documents?

5 A I believe they asked for specific  
6 documents. But I think it was -- I don't know. I  
7 mean I had to -- because it was a written request,  
8 so I had to interpret what that meant, but I think  
9 it was -- you know, I think it was specific.

10 Q And who did that request come from?

11 A I don't remember.

12 Q Was it -- do you remember, was it from  
13 counsel or was it from someone inside your division?

14 A I think it was from counsel.

15 Q Okay. So now following up on those  
16 abbreviations, we'll go through some acronyms.

17 Just so the record will be clear and we  
18 make sure we have the same understanding of what  
19 we're talking about, I want to tell you what I am  
20 going to use as some acronyms and then I'm going to  
21 ask you to explain some that come up in your report.  
22 Is that okay?

23 A Okay.

24 Q So when I -- I might say GaDOE, and I know  
25 you've said DOE. Both of those will mean the

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1 Georgia Department of Education?

2 A Correct.

3 Q LEA means the local educational agency or  
4 authority?

5 A Agency.

6 Q Agency. And SEA is State Education  
7 Agency?

8 A Correct.

9 Q SOB is the State Board of Education?

10 A Correct.

11 Q And OPB is the Office of Planning and  
12 Budget in the Governor's Office?

13 A Correct.

14 Q A RESA is A Regional Educational Service  
15 Agency?

16 A Correct.

17 Q I'm not sure whether you use these  
18 acronyms, but if I say DBHDD, I'm referring to the  
19 Department of Behavioral Health and Developmental  
20 Disabilities?

21 A Correct.

22 Q EBD is emotional behavior disorder?

23 A I mean, I'll take your word for that one.

24 Q You'll understand that's what I mean?

25 A Yeah.

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1 Q And if others come up, we can define them  
2 as we use them, but those are the ones I anticipate  
3 coming up.

4 A Okay.

5 Q And then there's a few acronyms that are  
6 going to come up and I would like for you to tell me  
7 what they stand for and give me a brief explanation  
8 of what they mean. We'll talk about some of them in  
9 more detail, but just to lay the groundwork.

10 Can you tell me what FTE stands for?

11 A Full Time Equivalent.

12 Q What is that?

13 A That is the method for calculating -- for  
14 calculating the funding for a student in Georgia's  
15 educational formula.

16 Q And QBE?

17 A Quality of Basic Education, which is  
18 basically the funding formula for the State of  
19 Georgia.

20 Q And then I've seen references to LUA,  
21 local unit of administration. I'm just curious if  
22 that's different from an LEA?

23 A I don't use that term, so I mean -- yeah,  
24 I would think it's the same thing, but I don't --  
25 but if it's been -- I don't particularly use that.

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1 Q We'll just say LEA then.

2 A Yeah.

3 Q Okay. Thank you for that.

4 That's good background. Now we're going  
5 to turn to your background, the case background.

6 Can you tell me where you got your college  
7 degree and what you studied there?

8 A Undergrad I went to Morehouse, studied  
9 economics. And graduate school, I went to the  
10 University of Michigan, got a master's in public  
11 policy.

12 Q And when did you get that master's?

13 A 2006.

14 Q In public policy, okay.

15 And do you have any professional  
16 certifications or licenses?

17 A I've got some that are certified by the  
18 state, like the State accounting series. I want to  
19 say there's some other stuff. But I have to look at  
20 my resume to remember, it's been so long.

21 Q Okay. So it sounds like you came to your  
22 current position more from the policy side than the  
23 educational side. So I'm just going to ask, do you  
24 have any education job experience? Do you have an  
25 education background?

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1           A     Not particularly. My first job with the  
2     State was with -- actually at OPB. So I've been in  
3     budgeting, budgeting, that side -- you know, I want  
4     to say if it's anything to do with defining my role,  
5     it's been budgeting finance since I've been working  
6     for the State.

7           Q     Okay.

8           A     So when I came over to the DOE, it was as  
9     a budget analyst, and at the time it was for working  
10    for federal formulas. But, yeah, my role has always  
11    been kind of in budget, just at different agencies.

12          Q     Understood. Thank you.

13                So was OPB your first employment after  
14    grad school?

15          A     No.

16          Q     What was that?

17          A     I worked a year for the, the Office of the  
18    Comptroller of the Currency, in their Chicago  
19    office.

20          Q     And what did that job briefly entail?

21          A     It was bank regulations. Basically you're  
22    the people that are supposed to stop meltdowns for  
23    the banking system.

24          Q     That was in 2000 --

25          A     '06.

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1 Q That must have been fun.

2 A Yeah.

3 Q Okay. And then after that you came to  
4 OPB?

5 A Right.

6 Q What were your -- was your title there?  
7 What were your responsibilities?

8 A I was a policy analyst. I think it  
9 started out associate and graduated to policy  
10 analyst two, but my job was essentially -- my main  
11 job was to help craft the Government's budget  
12 recommendations. So basically I was assigned  
13 certain agencies, Public Safety, Department of  
14 Public Safety, Department of Defense, and a few  
15 other small ones, and basically work with them to  
16 come up with a budget recommendation that would go  
17 into the Governor's budget recommend ratings.

18 And there were other tasks along the way,  
19 but that was the main reason, the main part of my  
20 job. So from September through December, that's  
21 what you were doing, and then throughout the rest of  
22 the year you're kind of administering it, but --

23 Q Understood. So can I get a time frame  
24 when were you at OPB?

25 A August 2007 through July 2011.

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1 Q Great. Am I correct in understanding the  
2 way you referred to other smaller ones, the  
3 Department of Education is not one of the ones you  
4 oversaw while you were there?

5 A No.

6 Q And then where did you go after OPB?

7 A I went to DFCS, Department of Family and  
8 Children Services, which is housed in the Department  
9 of Human Services now.

10 Q And what was your job there?

11 A Budget analyst.

12 Q So did you have similar responsibilities  
13 but in a new --

14 A Well --

15 Q -- department?

16 A It's different. Like I say, you can just  
17 tell from the title I went from policy analyst to  
18 budget analyst. While policy analyst we were -- at  
19 OPB we did, you know -- we were helping come up with  
20 the Governor's budget recommendation, which is  
21 basically policy.

22 When you go to work in a state agency,  
23 your job is to administer the budget. So you're a  
24 budget analyst. So, so it's different working for  
25 the Governor versus working for a state agency

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1 because you're not developing the budget so much as  
2 managing it.

3 But, you know, it was -- so, yeah, it was  
4 a different -- that was the main difference. But,  
5 yeah, just still budget work, you know, doing  
6 formulas and what-not.

7 Q That was a helpful clarification. Thank  
8 you for that distinction.

9 And the time frame for your time at DFCS?

10 A What, what was it -- July, July 2011  
11 through January 2013.

12 Q And then when did you start work at the  
13 Department of Education?

14 A February 1, 2013.

15 Q And in what position did you begin work at  
16 GaDOE?

17 A I was a budget analyst two.

18 Q And in that position, to whom did you  
19 report?

20 A At the time, it was Brian Hampton.

21 Q Did it change?

22 A Brian Hampton has since retired and now I  
23 report to Jon Cooper but, but --

24 Q Did you report to Jon Cooper when you were  
25 still a budget analyst?

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1 A Not then. Not then.

2 Q So during the entire time you were a  
3 budget analyst you reported to Brian Hampton but he  
4 retired after that?

5 A Right. So Jon moved into Brian's role and  
6 at that time I reported under Jon. So, so.

7 Q What were your responsibilities as a  
8 budget analyst?

9 A Started out initially calculating, um, the  
10 federal formulas. So the big -- the State -- big  
11 education funding formulas that come to the State.

12 The big ones are like Title I, II, III.  
13 And then the special education ones, which funds  
14 GNETS.

15 So it was basically, you know, these  
16 funding formulas have rules and you've got to  
17 allocate them out according to the different LEAs.  
18 So it was my job to basically follow those rules,  
19 administer them and work with the program staff to  
20 administer them, particularly when it comes to the  
21 charter schools. That was, you know, where the work  
22 came in.

23 So, yeah, it was working with those  
24 federal funding formulas first and then over to the  
25 state formulas, and now I kind of do a little bit of

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1 both.

2 Q You said you switched over to state  
3 funding formulas. Was that while you were a budget  
4 analyst?

5 A No. That was when Brian retired, Jon  
6 moved up. I moved into Jon's role kind of at the  
7 time.

8 Q And when was that?

9 A It's murky when I was at DOE. I want to  
10 say 2000 -- '16, '17, but I don't know for sure.

11 Q And what -- did you get a new title when  
12 that change happened?

13 A Yeah. Since I've been there, I've been  
14 budget analyst two, and then senior budget analyst.  
15 Now I'm assistant budget director.

16 Q Let me make sure I got that right.  
17 So for a time you were a budget analyst,  
18 budget analyst two, senior budget analyst, and  
19 currently you're assistant budget director?

20 A Yeah.

21 Q Okay. And as assistant budget director,  
22 you report to Jon Cooper, who you said moved into  
23 the role?

24 A He's the budget director, yes.

25 Q Thank you.

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1                   And so you said you did federal formulas  
2                   at first and then switched over to state formulas,  
3                   and now you do some of each; is that correct?

4                   A       Correct.

5                   Q       Doing some of each, was that when you  
6                   became the assistant budget director?

7                   A       Yeah. I mean it's -- as we've come in  
8                   through our unit and people leave, you know, the  
9                   roles kind of got switched -- stuff gets switched  
10                  around. When someone leaves, I pick up something.  
11                  When someone new comes on, like they will take on a  
12                  different role.

13                  So it was just -- like now, you know, we  
14                  kind of just making sure -- Jon and I -- like I say,  
15                  I've been there 10 years. He's been there longer  
16                  than that. So we kind of make sure, you know, the  
17                  institution logic doesn't get lost.

18                  Q       So it's not that certain jobs can have  
19                  certain responsibilities, it's more balancing the  
20                  load between overseeing certain funds?

21                  A       Exactly.

22                  Q       Thank you. That's helpful.

23                  And you mentioned that special education  
24                  funds fund GNETS. Has that always been the case?

25                  A       Well, it's -- GNETS grants, which I don't

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1 know if you've seen the spreadsheet, part of their  
2 funding comes from the IDEA funding. So that's what  
3 I meant by that.

4 Q Okay. I have some questions about -- I'll  
5 get to it in a minute, but I thought that tied in  
6 with what you just said, but I'll have a document to  
7 go over together and ask you some questions.

8 A Okay.

9 Q When you were a budget analyst, did you  
10 have any direct reports?

11 A No.

12 Q And assistant budget director, do you have  
13 any direct reports?

14 A Not currently. We're looking to hire one.

15 Q Is that what you said?

16 A I believe that's the plans, to hire  
17 someone right now. We'll see.

18 Q I would like to ask if you can give a  
19 general overview of how the budget office or offices  
20 in the Department of Education work. I'm asking  
21 because I feel like there's a number of divisions  
22 that have budget personnel in them, and I'm not sure  
23 how the overall budget office interacts with the  
24 budget personnel in the different divisions, if you  
25 understand my question.

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1 A So just within DOE?

2 Q Yes.

3 A Okay. So we're the central budget office  
4 for the Department of Education. So if you have  
5 people who are budget analysts who are assigned to  
6 different units outside of our unit, their role is  
7 to be kind of a subject matter expert for them.  
8 Like they will do, you know, I guess administrative  
9 jobs, like processing purchase orders and helping,  
10 helping, you know, with contracts and just basically  
11 being more -- keeping more specifically for their  
12 units.

13 So our job is to do that for the whole  
14 agency. So although we won't, you know -- just as  
15 a, I don't know, control factor. We don't do the  
16 purchase orders and stuff like that. So we can't  
17 spend any money, but, yeah, our role is to just be a  
18 resource for everyone.

19 In essence, we can do basically their job  
20 entirely, it's just --

21 Q You're overseeing their -- the different  
22 levels there? Is that what you're getting at?

23 A Yeah. I'm not saying they work under us  
24 because it's not that. It's just, you know -- we,  
25 we -- I guess -- I don't know how the best way to

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1 say it because I've never --

2 Q Well, let me introduce a document and we  
3 can talk about it.

4 A Okay.

5 MS. TAYLOE: I would like to call up --  
6 it's a document that was previously introduced  
7 as Plaintiff's Exhibit 582, and it is  
8 identified as GA 000007, and it's an  
9 organizational chart that the State has  
10 produced to us with a number of charts within  
11 it.

12 Q So I'll give you a chance to review it  
13 once it's pulled up.

14 I'm going to say, you don't need to --  
15 it's too long to read. I'll point to where I have  
16 questions.

17 A Okay.

18 Q It looks small on my screen but I think  
19 you can enlarge it if you need to.

20 (WHEREUPON, Plaintiff's Exhibit-582 was  
21 marked for identification.)

22 BY MS. TAYLOE:

23 Q I'd like to direct you to the page on this  
24 that has 000017 in the bottom right corner, if you  
25 scroll down a couple of pages.

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1 A 000017?

2 Q I'm not sure about the number of zeros but  
3 it ends with 17.

4 A Okay.

5 Q So am I correct in understanding that your  
6 office is the one in the far left column, the Budget  
7 Office?

8 A Correct.

9 Q So Jon Cooper, does he report to Ted Beck?

10 A Well, he reports to the CFO. That's now  
11 Rusk Roam.

12 Q I'm sorry. So the same position but that  
13 position has --

14 A Right.

15 Q -- changed?

16 Thank you for clarifying. Okay.

17 Then you mentioned Amber McCollum before.  
18 Where would she be in this chart?

19 A She would be under Federal Programs, I  
20 believe.

21 Let me see if I can make it bigger.

22 So under -- it would be under Federal  
23 Programs. That would be for Special Education, so  
24 unless it's in --

25 Q So under Federal Programs, it says Special

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1 Education Service and Supports?

2 A Yes.

3 Q In that group there's a place that says  
4 Budget. That's where Amber would work?

5 A Right.

6 Q So she -- the budget office is listed  
7 under Special Education Supports and GNETS is under  
8 that, but she would help administer the grants for  
9 GNETS as well?

10 A So, so -- here's how -- I guess this one  
11 is easier. Like my role is to kind of help her come  
12 up with the overall -- like the person in our  
13 office, we would help her come up with -- or their  
14 unit come up with the allocations for each LEA.  
15 Then her budget unit would be responsible for  
16 working with the LEAs as far as setting up their  
17 budgets in our system so they can get reimbursed as  
18 they spend, so that they meet federal guidelines,  
19 whatever.

20 I guess that's -- when their budget unit  
21 -- that's my understanding of it, let me be clear.  
22 I don't want to speak defensively, but my  
23 understanding of it is her budget office is  
24 responsible for being -- working with the, the LEAs  
25 like. Whereas I'm working directly with her to get

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1 -- so we give them a number, and then they have to  
2 budget that number.

3 Q Okay. So that -- actually, I'm going to  
4 leap frog a bit. So that was another one of my  
5 questions farther down the road.

6 So when -- a certain amount is allocated.  
7 It's not transferred to the fiscal agent, it's just  
8 sort of held in reserve and then the fiscal agent  
9 makes a request to her office to have that money  
10 disbursed on behalf of whatever purchase order or  
11 whatever spending they are seeking to get payment  
12 for?

13 A That's for the federal money they receive.  
14 But, yes. We have a system called the consolidated  
15 application. Again, I'm not an expert on this, but,  
16 yes, that money is loaded into that system according  
17 to the guidelines they have, whatever those rules  
18 are, and when they're -- and most of our grants,  
19 pretty much all of our grants, with the exception of  
20 our GB funding are reimbursement. So you have to  
21 spend the money and then apply for reimbursement for  
22 it.

23 Q Okay. You said that is how it works for  
24 federal grants. Is it different for state grants?

25 A I think, I think it may be the same. I

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1 don't want to -- I don't know. Let me just be  
2 clear, I don't know.

3 I know it's not for our main QBE funding.  
4 Our main state grant, the main state funding that  
5 goes out, I know we send that out 1/12th -- you  
6 know, every month you get an equal share of your  
7 allotment. But the money that we send out for state  
8 grants, like GNETS or preschool disability services,  
9 or any of those, I think those are all reimbursement  
10 based, too. So I think they have to submit a budget  
11 and then request the money, but that's -- I'm not  
12 sure.

13 Q That's helpful.

14 So for the QBE funding formula, that  
15 money -- those funds get sent to the fiscal agents  
16 every month, you said, for them to spend during that  
17 month; is that correct?

18 A Right.

19 Q And for the GNETS funding it is held for a  
20 reimbursement after the GNETS programs have made  
21 certain expenditures?

22 A Right.

23 Q Thank you. Okay.

24 I want to turn to a different page. Let's  
25 look at the one that ends in 09, so the third page

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1 of the document.

2 A Okay.

3 Q Do you see how in this one fed programs is  
4 under School Improvement?

5 A We have multiple federal programs. I  
6 think this one -- well, is there a date on this?  
7 Because I know we've done several updates.

8 Q At the top it says revised, was it May  
9 1st, 2015? This is a while ago.

10 A Yeah. So, yeah, I would think we made  
11 several changes because on the previous document you  
12 had head of Federal Programs as Nakeba Rahming, and  
13 she hasn't been there in a while. So it was  
14 probably done several reorgs since then.

15 Q Do you know what the impetus is for the  
16 reorganizations? Because do you see GNETS  
17 program -- I'm sorry -- on this org chart at all?

18 A Do I see GNETS? That would be special  
19 education director Deborah Gay. It would be under  
20 there.

21 And to answer your first question, no,  
22 that question in the superintendent's office, so I  
23 don't know. You have to ask them about reorgs.  
24 But, yeah, GNETS would have been at the time, in  
25 2015, would have been under special education

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1 director Deborah Gay.

2 Q So it's not listed here but you believe  
3 that's where the funding would have been channeled  
4 through?

5 A Yes.

6 Q Then I would like to look at the pages  
7 that end with 12 -- let's start with the one that  
8 ends 12.

9 This one you can see at the top is dated  
10 revised April 1st, 2016?

11 A Uh-hum. (Affirmative.)

12 Q And then over on the right, do you see  
13 there's a line kind of drawn down from the top line  
14 and then there's a box there that has GNETS with  
15 Nakeba Rahming in it?

16 A Uh-huh. (Affirmative.)

17 MS. HERNANDEZ: To the right.

18 A To the right. Sorry.

19 Q So do you know how funding for GNETS would  
20 have been done under this structure?

21 MS. HERNANDEZ: Objection.

22 A Well, it hasn't changed. The funding for  
23 GNETS hasn't changed.

24 The funding formula hasn't changed. It's  
25 been -- inputs in the formula have changed, which

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1 have increased or decreased the funding, but the  
2 formula hasn't changed.

3 Q By inputs, do you mean the amount of  
4 funding to work with?

5 A By inputs, I mean the number of students  
6 who are calculated in the formula, and the funding  
7 formula is based on teacher salary. So as we've  
8 increased the teacher's salary, it's gone up. We  
9 haven't decreased the teacher's salary.

10 So, yes, as we've made changes to the  
11 salary, it's gone up.

12 Q Do I understand you to say that this org  
13 chart might represent some kind of reporting  
14 structure, but the funding has always gone through  
15 Special Education?

16 A Well, you know, I don't -- I mean I don't  
17 know, you know, the mechanics of it, how the program  
18 is operated. I'm just talking about the funding  
19 hasn't changed. So I don't know what the org chart  
20 represents as far as what GNETS -- how they are  
21 managed or what-not.

22 Q Fair enough. You're saying the  
23 administration of the budgets has always gone  
24 through Special Education?

25 A Right.

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1 Q So that's helpful for getting me oriented  
2 in terms of the budget office.

3 I want to go back for just a second to  
4 your job responsibilities and sort of round out  
5 with, do you have regular meetings with anybody in  
6 GaDOE regarding special education funding?

7 A No. We actually kind of -- pass this on  
8 for the most part, but, no, we -- when it's time to  
9 do the allocations, my most recent role is to kind  
10 of just back-check the allocations but I don't think  
11 we -- we don't -- ask how Carmen does it now, who  
12 does it now, but when I did it, we would meet, you  
13 know, to discuss the allocations but nothing more  
14 regular than that.

15 Q When you said you've passed this on for  
16 the most part, can you tell me what you mean by  
17 that?

18 A Well, right now, like I said, we switched  
19 around. So technically we have a federal budget --  
20 assistant budget director now, who I guess the last  
21 year, the last year has taken it over, so.

22 Q And who is that?

23 A Carmen Fryemeier.

24 Q Hernandez.

25 A Hernandez.

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1 Q When you say taken that on, what are you  
2 referring to?

3 A Most of the stuff -- most of the stuff  
4 that I used to do she does now. So, like I said,  
5 I'm kind of the back-stop now.

6 Q So does she calculate allocations under  
7 the QBE formula?

8 MS. HERNANDEZ: Object to form.

9 A No. Just GNETS. Actually, I still do  
10 GNETS, but the special education formulas. So I  
11 think you asked about the special education  
12 formulas, to be clear.

13 Q I see.

14 A Which I interpret that as IDEA, which  
15 Carmen does that. I still do GNETS, yes.

16 Q That's helpful. So Carmen Fryemeier does  
17 the -- I'm sorry, the IDEA funding?

18 A That's correct.

19 Q For the record, I don't think we did that  
20 acronym. That's Individuals with Disabilities  
21 Education Act?

22 A Yes.

23 Q So Carmen handles the IDEA allocations?

24 A Right.

25 Q And you continue to do the QBE and GNETS

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1 allocations?

2 A Right. I want to be clear.

3 Q Thank you for that.

4 So are there meetings, regular meetings,  
5 having to do with either of those allocations, the  
6 QBE or GNETS allocations?

7 A No. It's, it's -- well, with QBE  
8 allocations there's tons of meetings. What, 11 --  
9 10, 11 billion dollars. Yeah, we have several  
10 meetings.

11 Q Who are they with?

12 A With the various budget offices. So  
13 they're several questions.

14 Q When you say various budget offices, does  
15 that mean the different budget offices within --

16 A No. It means outside. The Governor's  
17 budget office, the House budget office, the Senate  
18 budget office. The appropriators, I should say.

19 Q And that was for -- did you say that was  
20 for the QBE funds?

21 A Yes. With all of them, yeah. The QBE  
22 funding we meet with more.

23 Q What are the purposes of those meetings?

24 A There's a lot of data that goes into those  
25 formulas. So it's to make sure that we're all using

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1 consistent data. That, you know, that we're all --  
2 there's always quirks. So are we all on the same  
3 page with how to handle an issue and, again, we  
4 don't go with whatever the appropriators do, but we  
5 just want to understand what they do. So, you know,  
6 we don't want any surprises.

7 Q Are those scheduled meetings, or it is  
8 more often someone from the House or Senate office  
9 would ask for clarification on some data point?

10 A So maybe it would be -- maybe a quick  
11 overview.

12 So we go through -- I guess there's  
13 different budget seasons. So the Governor's budget  
14 season is from September, the 1st of September, when  
15 agencies submit their budget requests, till  
16 basically when he submits his book, his budget  
17 report.

18 So from September to December we're  
19 meeting with the Governor's Office, or the Office of  
20 Planning and Budget, however you want to say it.

21 So we're meeting with them, and they ask  
22 their questions. They're doing what they need to do  
23 to get information for the budget office.

24 Then January through April or May, that's  
25 when the session, the legislature is in session. So

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1 that's when we're meeting with them. We still meet  
2 with the Governor's Office but those are the ones  
3 that -- the ball is in their court at that point.  
4 So we're meeting -- we're meeting with them to  
5 answer their questions and help them come up with  
6 the actual appropriations document.

7 Q That was super helpful. Thank you very  
8 much for walking me through that timeline.

9 A Okay.

10 Q Are there any reports or analyses produced  
11 along the way in any of those stages?

12 A Yeah. I mean we, we try to come up with  
13 estimates. I mean we're trying to -- like I said,  
14 it's a substantial amount of money and we're kind of  
15 doing this -- we're working.

16 So, you know, we have as many people  
17 looking at these calculations coming up with it.  
18 So, you know, we try to come up with estimates for  
19 the grants, you know. They will look at our  
20 estimates and we compare numbers.

21 We have to provide the data, the student  
22 data, the teacher data, all the data that goes into  
23 those formulas. So, you know, we're providing that.  
24 So I mean just whatever they need.

25 Q Okay. And you said this happens a lot

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1 with respect to the QBE formula given the amount of  
2 money at stake. Are there comparable meetings  
3 relating to the GNETS grants?

4 A Right. Yeah. I mean so for them to  
5 calculate it, they need -- like I say, it's -- the  
6 QBE grant, the funding is based on students,  
7 teachers and then the federal piece, you know, how  
8 much they want to do federal.

9 So we have to provide student data to, to  
10 the budget offices, the student data and the teacher  
11 data.

12 Q Thank you. And then aside from these  
13 meetings, do you belong -- do you work on any  
14 committees in connection with your work?

15 A No.

16 Q I think we're done with that document.  
17 Thank you.

18 MS. TAYLOE: We have covered some of this  
19 but I would like to introduce a document that  
20 was identified as Attachment BB, and this will  
21 be Exhibit 746, Plaintiff's Exhibit 746.

22 (WHEREUPON, Plaintiff's Exhibit-746 was  
23 marked for identification.)

24 BY MS. TAYLOE:

25 Q This was produced by the State. It

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1 includes a number of job announcements, and the  
2 second page of the document, the one marked Georgia  
3 000025, was identified as -- was identified with  
4 your name at the top.

5 So I'd like you to look at that job  
6 announcement and let me know when you've finished  
7 reviewing it.

8 (Witness reviews exhibit.)

9 A Okay.

10 Q Was this the listing for the position  
11 which you now hold at the Department of Education?

12 A I believe so.

13 Q And I think you were struggling to  
14 remember whether you started in 2016 or 2017. Does  
15 this refresh your recollection as to when you  
16 started?

17 A It does.

18 Q And when would that have been?

19 A I'm sorry?

20 Q When do you think you started in this  
21 position?

22 A 2017.

23 Q Okay. Was -- this posting was in March.  
24 Do you think you started shortly after that?

25 A I don't remember exactly. It takes time

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1 with -- it takes a little time because -- well -- so  
2 I don't remember. I'm assuming it was within two  
3 months of that. Yes, within. So I believe it's,  
4 what, May.

5 Q Thank you.

6 And you were still in the division, just a  
7 different --

8 A Right.

9 Q Okay. Did this posting accurately reflect  
10 the responsibilities you had at the time you were  
11 hired in that position?

12 A Yes, I believe so.

13 Q Thank you. And we've talked a little bit  
14 about the changes since then in terms of the  
15 reassignment of certain grant funds and things, but  
16 is there anything else that has changed besides what  
17 we've already discussed?

18 A Again -- we've hired -- we have someone  
19 now who specializes with the education funding  
20 formula. So that's Carmen, what I was talking about  
21 before.

22 But, yeah, everything else is basically  
23 the same.

24 Q And she specializes in the IDEA funding?  
25 Is that what you --

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1           A       Well, all the federal funding formula, but  
2       that includes the IDEA.

3           Q       And one of the items listed is provides  
4       recommendations on fiscal and budgetary matters.  
5       What does that entail?

6           A       Well, anything. I mean we meet with --  
7       you know, I guess it depends on the audience.

8                   So we meet with the Governor's budget  
9       office. We kind of say -- if they ask us questions  
10      or ask our advice on things, we do monthly budget  
11      projections with staff at DOE. So, you know, we're  
12      answering their questions.

13                  Yeah, basically just depends, but we are  
14      the, the budget experts, I guess.

15          Q       And can you think of any kind of  
16      recommendation you have offered before?

17          A       I mean there are usually technical things.  
18      Say we're coming down to the end of the year and  
19      we're, you know -- they don't have -- we don't have  
20      enough money, you know. So we're like, so can we,  
21      can we charge some expenses to another fund source?  
22      Can we, you know, can we move people around? Can we  
23      do this? You know, what can we do. Or if we have  
24      too much money, you know, what can we -- how can we  
25      spend this money? How can we, we increase this

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1 purchase order? Can we do this?

2 That's if we're dealing with the staff.

3 Q So those recommendations sound -- I know  
4 you don't like saying under you, but those are  
5 downstream, like to the people who are administering  
6 the funds?

7 A Right, right. Yeah.

8 Q Do you also offer recommendations  
9 upstream, to those who are appropriating the funds?

10 A I have but those are more -- those are  
11 trickier, because you're starting to get into policy  
12 recommendations. So, yeah, we, we -- I mean budget  
13 is policy, I mean money. You know, that's the  
14 ultimate. Especially what matters to you is the  
15 budget documents.

16 So when I say -- you say up, you're  
17 talking to OPB or to the budget offices. So, yeah,  
18 we've talked about things, we've recommended things  
19 to them, but, again, there's more -- that process  
20 gets filtered a little bit more carefully going up.

21 Q Have you ever made recommendations  
22 regarding any of the formulas you administer?

23 A I mean maybe. I don't recall off the top  
24 of my head.

25 Q You mentioned some of the other offices

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1 you have worked with. Are there individual people,  
2 for instance in the Office of Planning and Budget,  
3 are there individuals you're most often in contact  
4 with there?

5 A They change a lot. I mean we got people  
6 now, but whoever is in that role, we're going to be  
7 in contact with a lot, but, but -- just the people  
8 -- division directors and the coordinators.

9 We have an analyst who is assigned to us.  
10 So when I worked at OPB, I was assigned an analyst,  
11 to, to -- for the safety. There's an analyst at OPB  
12 who is assigned to DOE. Allison, I think is her  
13 name.

14 Q So you're saying whoever works in that  
15 role, you're talking about the analyst that is  
16 assigned to the Department of Education?

17 A Right.

18 Q Whoever that is, that might change, but  
19 that's who you deal with?

20 A Right.

21 Q Thank you.

22 What about at the House and Senate budget  
23 offices?

24 A Well, the House, Actually, Sara Arroyo has  
25 been there quite a while. So we dealt with her for,

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1 you know, for a number of years.

2 Q You said only House. Is that because the  
3 House originates the bill, but the Senate doesn't  
4 have --

5 A It goes -- I mean the House has to  
6 originate it, but the Senate -- no, you asked about  
7 the House. I thought you did.

8 Q I meant to ask about both. So you  
9 answered about the House. Is there someone on the  
10 Senate side?

11 A Yeah. Austin now, but Senate side changes  
12 a little bit more often, too. But, yes, there's  
13 someone there.

14 Q And what about the department of -- I'm  
15 sorry -- the Board of Education, do you consult with  
16 them on any of these matters?

17 A If it goes to that level, it's mostly Rusk  
18 Roam, or Jon, my supervisor, who will talk with  
19 them.

20 Q What do you mean if it goes to that level?  
21 Are there only certain kinds of things that are  
22 discussed with the Board?

23 A No, no. If they need -- if we have a talk  
24 with the Board, usually just Rusk, being the CFO,  
25 will handle that. I mean some things, but mostly

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1 that stuff is handled -- he'll take care of that.

2 Q Do you work with any other state agencies  
3 or departments on budget matters?

4 A No. Well, I mean not, not regularly.  
5 Just those three budget offices and that's --

6 Q For instance, I asked before -- I defined  
7 before the Department of Behavioral Health and  
8 Developmental Disabilities. Do you ever work with  
9 them on working funding together?

10 A I mean we've had a grant with them before.  
11 I don't think we have recently. I know we have  
12 worked with them, yes.

13 Q What was the grant you're thinking of?

14 A I don't recall exactly. I know it was a  
15 DBHDD grant, I do remember that. I don't recall the  
16 specifics of it.

17 Q Do you remember the purpose it was for?

18 A No, I don't.

19 Q You just remember that there was?

20 A Yeah.

21 Q And do you ever work with Medicaid offices  
22 on funding?

23 A No, not -- no.

24 MS. TAYLOE: I think we're done with that  
25 document, Allison. Thank you.

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1 Q In terms of the funds you oversee, you've  
2 mentioned federal and state funds. Do you have any  
3 involvement with local educational funds?

4 A Well, they, they originate -- the local  
5 origination of finds originates with the State. So  
6 once we send it out, no. But, yes. I mean we're,  
7 we're responsible for calculating those allocations  
8 for the LEAs.

9 What do you mean specifically?

10 Q I think I mean something different. You  
11 said they originate with the State. You're talking  
12 about state funds that have been allocated to LEAs,  
13 right?

14 A Right.

15 Q I'm talking about any funds that the local  
16 education agencies themselves contribute towards  
17 funds?

18 A No.

19 Q So it's not part of your calculations to  
20 match or offset or anything --

21 A Oh, well -- I don't know. So we have what  
22 we call local 5 mil share, which is basically, in  
23 essence, what a local school district has to pay for  
24 to participate in QBE.

25 So we calculate that as five -- you know,

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1 it's 5 mill. So we calculate that for the districts  
2 and subtract that from the QBE earnings that we send  
3 out.

4 So let's say we calculate QBE at 11  
5 billion, local 5 mill share may be 2 billion. So  
6 we'll send out -- end up sending out nine billion.

7 That's sort of a high level, but that's  
8 basically how it works.

9 Q So it's the -- the formula assumes they  
10 will contribute, the LEAs will contribute that  
11 amount. Is there a requirement they contribute that  
12 amount, or will they just be less that much funding  
13 if they don't contribute that amount?

14 A They're going to be less that amount  
15 regardless. So they can contribute more. If they  
16 contribute less, than -- you know, I don't know how  
17 they could function by contributing less. But,  
18 yeah, it's just calculating how much we're going to  
19 withhold from their earnings.

20 Q And you said some LEAs may contribute  
21 more?

22 A Most do, I mean. I think the funding  
23 formula now has teachers' salaries at 39,000;  
24 whereas if you start here in Metro Atlanta, most are  
25 going to be -- starting salaries are going to be

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1 forties and fifties, at least.

2 Q Is there any comparable requirement for a  
3 local contribution in the QBE formula?

4 A No. Not to my knowledge. Well, let me  
5 just say not to my knowledge.

6 Q Is it possible it's there without you  
7 knowing?

8 MS. HERNANDEZ: Objection.

9 A I don't know. I mean, yeah I don't know  
10 all the funding because I don't, I don't know the  
11 funding formula -- or the funding streams for the  
12 GNETS service. All I know is what the State sends  
13 out.

14 Q But the State -- what the State sends out  
15 does not include an amount subtracted for the local  
16 share?

17 A No, no, we don't do that for the GNETS.

18 Q But it does for QBE?

19 A Well, there's, there's -- there's  
20 austerity in the formula in the GNETS, but it's not  
21 the same thing as the local five mil share that's in  
22 QBE.

23 Q Can you explain how the austerity factors  
24 into that, what I'm asking?

25 A I think it's just a holdover from budget

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1 cuts in the past, but it's -- there's an amount that  
2 is reduced, which is you can see on the spreadsheets  
3 from the formula, but -- there's an amount that's  
4 reduced but it's not like -- it's not calculated  
5 like local five mil share. It's just an amount  
6 that's reduced from the -- you know, from the QBE  
7 formula.

8 Q And is that also taken from the QBE  
9 funding, the austerity reduction?

10 A I don't know if it is now. I don't think  
11 there's an austerity in QBE now. But it has been.  
12 It always has, you know.

13 Q So, I'm sorry, I just want to make sure I  
14 get this right.

15 So there was an austerity budget -- I'm  
16 sorry -- austerity reduction for both QBE and GNETS  
17 at some point?

18 A Yes, we've had -- yeah, we've had  
19 austerity reduction.

20 Q And now you're not sure there's still an  
21 austerity reduction in QBE, but there's still an  
22 austerity reduction in GNETS?

23 A Well, I mean I am sure it's not one in QBE  
24 right now, you know, but -- I don't know what the  
25 Governor's recommendation is going to be right now.

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1 And I don't know what his recommendation for GNETS  
2 is going to be either for next year, so.

3 Q Okay. I'm not asking you to speculate  
4 about in the future. But for the budget that's  
5 currently in place --

6 A Yeah.

7 Q -- there is an austerity reduction for  
8 GNETS?

9 A Right.

10 Q That was not in the QBE?

11 A Correct.

12 Q And that's separate from the five mil  
13 share, which is taken out of the QBE formula but is  
14 not taken out of the GNETS formula?

15 A Correct.

16 Q Thank you for walking me through that.

17 Then I have a list of funds that may have  
18 an educational connection to it, so I'm curious if  
19 your office -- and I don't mean you but your office  
20 might deal with these funds, if I can run through  
21 them.

22 We've already talked about the IDEA funds.  
23 They come through your office and Carmen Fryemeier  
24 mostly oversees them?

25 A Uh-hum. (Affirmative.)

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1 Q Is there any other source of special  
2 education funds?

3 A No. I think that's the biggest one, I  
4 mean.

5 Q And then there are Title I funds for low  
6 income schools; is that correct?

7 A Correct.

8 Q Does your office oversee those funds?

9 A Yes. They flow through us and we --

10 Q What do you mean by flow through?

11 A I mean we're a pass-through agency for  
12 most of those.

13 So we get them and we get money for  
14 administering them, and they're carve-outs for  
15 particular grants, like school improvement. There  
16 used to be one for academic achievement but that's  
17 about all.

18 Yeah, our job is to take it and send it  
19 on, but -- US Ed can't keep track of every charter  
20 school that's open everywhere. So that's what our  
21 role is, is to -- with the charter schools or any  
22 changes happen, so a school grows significantly, or  
23 any type of thing like that happens, they have rules  
24 for how it is to be divided up, but we have to do  
25 that division, so.

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1 Q I see.

2 A So, yeah.

3 Q And you mentioned an administrative share,  
4 something like that. Is that the one percent that  
5 gets -- well, I shouldn't ask that.

6 What did you mean by administrative share?

7 A I don't know the exact amount now, but,  
8 yes, it's a percentage that, that we can withhold  
9 for, for -- for administering the program.

10 Q Then Title VI funds for rural schools,  
11 does your office oversee those?

12 A Yes. Is it Title VI? Title V? I can't  
13 remember, but yes.

14 Q What about the ESSA Act, does that come  
15 with funding?

16 A Yes, that's what, that's what Title I is  
17 -- I mean on that is --

18 Q All that is Title I?

19 A Yeah.

20 Q Okay. Sorry.

21 And the ARP, does that funding also come  
22 through your office?

23 A Yes. Well, the portion that's for  
24 education, yes.

25 Q And there is -- was there an educational

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1 component to the CARES, the Coronavirus Aid, Relief,  
2 and Economic Stability Act?

3 A Yes.

4 Q And that funding came through your office?

5 A I think some of it. So, yes. So I won't  
6 say all of it because some of it could have gone  
7 through the Governor's Office.

8 And that's the case for the ARP money as  
9 well. Some of it could have went directly to the  
10 Governor's Office but some came directly to the  
11 Department of Education. So I don't know if it was  
12 all of it or just some. But, yes, we have some of  
13 that come through.

14 Q And ESSER, too, the Elementary and  
15 Secondary School Emergency Relief Fund, did you also  
16 get funding through there?

17 A Yes.

18 Q And then for each of those that you said  
19 yes to, are there restrictions on that, or is it --  
20 does GaDOE decide how to distribute those?

21 A There are restrictions, but I don't know  
22 the, the details on that. I haven't handled that.  
23 That would be Carmen and other people on our staff.

24 Q Okay. And do they mainly get distributed  
25 to the LEAs to use, and there's some flexibility,

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1 they get distributed to the LEAs on decisions on how  
2 to use those funds?

3 MS. HERNANDEZ: Objection.

4 A I -- it's been very -- like I say, I  
5 haven't followed it as closely because I haven't  
6 worked with that as closely. But I know some of it  
7 has been used for salary supplements or bonuses or  
8 what-not. Some of it has been used to offset grants  
9 that have been cuts.

10 So I don't -- you know, I think it's kind  
11 of been varied on how it's been used. Some of it  
12 has been used for particular projects. Just a lot  
13 of different things.

14 Q Okay. What about the SAMHSA, which is  
15 Substance Abuse and Mental Health Services  
16 Administration, do you ever deal with SAMHSA  
17 funding?

18 A I remember, you know, loaded the budget or  
19 seeing the grant amendments come in but I don't know  
20 how it was spent.

21 Q Who would handle that?

22 A Well, when I was working with that, it  
23 would have been Amber. You know, she was, you know  
24 -- that would have fallen under special -- Amber  
25 McCollum. That would have fallen under Special

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1 Education.

2 Q And what about -- have you heard of  
3 Project AWARE?

4 A I've seen the money and, you know, loaded  
5 it in the budget, but again don't know how it was  
6 spent.

7 Q And when you say loaded in the budget,  
8 what does that mean?

9 A Oh, you have to -- we have a budget  
10 system. So before you can actually spend the money,  
11 we've got to load it into the budget. So we have to  
12 load it into that budgeting system so that you can  
13 actually spend it.

14 Q Is that a budget system for -- is that  
15 part of the QBE or is that separate?

16 A No. That's for the State of Georgia.  
17 Yeah, just People Soft, or you might hear it called  
18 Teamworks Financials, or what-not, but, yeah, just  
19 -- it's just a technical process -- technical thing  
20 you have to do before you can start spending the  
21 money.

22 Q And then who can start spending it?

23 A Whoever that program manager or that unit  
24 or what-not.

25 Q So do some of these funds get loaded for

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1 the -- does the Office of the Whole Child have a  
2 program manager?

3 A I think we're, we're in between one right  
4 now. They are -- I don't -- I mean I think the  
5 person who is there is -- I don't know. Actually, I  
6 don't know.

7 Q Is that how you mean, it gets loaded to  
8 that unit, and then whoever is the project manager,  
9 program manager there, can administer that --

10 A No. I guess I shouldn't -- I'm speaking  
11 real general. It's like you get a check. You can't  
12 do anything until you take it to the bank and put it  
13 in your account. That's what I mean, you know.

14 Q And the account is just the State of  
15 Georgia?

16 A Yeah.

17 Q It's not more specific than that?

18 A Yeah. That's what I mean. I'm sorry.

19 Q That's all right. Thank you for  
20 explaining.

21 Okay. And have you heard of a System of  
22 Care Expansion Grant?

23 A No.

24 Q So I just want to confirm. From your  
25 answer it sounds like, is GaDOE involved in any

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1 Medicaid payments made for services provided in  
2 schools?

3 A Not to my knowledge.

4 Q So I think -- was that -- the ones we just  
5 went over, does that cover as much as you can  
6 remember the federal funds that you're also  
7 administering? Are there other federal funds?

8 A Just relate to the special education or  
9 what?

10 Q I guess education generally.

11 A I mean there are way more. Do you mean --  
12 do you want me to try to list them?

13 Q That sounds like that would be unfairly  
14 burdensome to you.

15 Are there any that you can think of that  
16 might apply to Special Education or the GNETS  
17 programs?

18 A No, no.

19 Q And so the rest of the funds that your  
20 office administers that might relate to Special  
21 Education or GNETS would be state grants or state  
22 funds?

23 A To my knowledge, yes.

24 MS. TAYLOE: I would like to introduce  
25 GA00278716 as Exhibit 747.

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1 (WHEREUPON, Plaintiff's Exhibit-747 was  
2 marked for identification.)

3 BY MS. TAYLOE:

4 Q For some of these exhibits, Mr. Bell,  
5 there's going to be an email that is kind of just to  
6 orient you and the thing that we're going to discuss  
7 is the attachment to it. So this is one of those  
8 emails.

9 It is a March 2016 email from Jon Cooper  
10 to a number of people -- I'm sorry, to one person  
11 but copying a number of people, including you.

12 It says: "Formula Assignments for FBO  
13 Team."

14 Can you first tell me who Randy -- is it  
15 pronounced Trowell -- is?

16 A Yes. He's a former DOE employee.

17 Q And he was in your office, your unit?

18 A He was -- he was a director of -- I don't  
19 remember his exact title, but when he was here --  
20 for a while -- the last role that he was in was CFO.  
21 When our previous CFO left, he served as interim  
22 CFO. But he works in our -- you know, the Financial  
23 Services Unit.

24 Q What is the FBO Team?

25 A Finance and Budget Operations.

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1 Q And that's within GaDOE?

2 A Yes.

3 Q Then I'd like to look at the attachment to  
4 that document, which is a spreadsheet. I'll give  
5 you a minute to review that.

6 (Witness reviews exhibit.)

7 A Okay.

8 Q So does this reflect the grants that you  
9 oversaw in March of 2016?

10 A I believe so, yes.

11 Q And I know we talked about kind of  
12 reassignments along the way, different times, but  
13 this is generally the body of grants that are  
14 overseen by your office?

15 A Yep, yep. I mean it's grown since then.

16 Q Okay. What other -- are there --

17 A The, the CARES Act, all of the  
18 stimulus-related grants that we've added. The rural  
19 grant, which I think is in here but has just been  
20 renamed.

21 And the -- I think that's it. There could  
22 be one or two more.

23 Q And this -- the email in the chart refer  
24 to this as the formula assignments. Are there other  
25 kinds of budget work besides formula assignments?

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1           A       Yes.  There's -- do you want me to list  
2       it?

3           Q       Yes.

4           A       There's a technical -- technical stuff.  
5       So, you know, we have -- we're submitting purchase  
6       orders for contracts or to buy things.  So they have  
7       to use the correct budget codes to, to pay for this.  
8       So our job is to make sure they're using those  
9       codes, correct them when they're wrong -- you know,  
10      when they submit wrong codes.

11                 Every month you've got to request our cash  
12      from the State.  So we have to request our  
13      allotment, I guess.  We've got to submit budget  
14      amendments.

15                 So basically when our spending is  
16      changing, we -- also we've got to submit our budget  
17      requests.  When the Governor's Office tells us to --  
18      we actually get a finalized budget.  We put that  
19      information in our budget.  I don't know.  Just a  
20      lot of stuff day-to-day.

21           Q       Thank you.  That helps save us time down  
22      the road when I was going to ask you some of those  
23      questions.

24                 Another thing I was trying to get here,  
25      are there also competitive grants?  Does your office

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1 oversee any competitive grants?

2 A My office -- I say my office. Our office  
3 doesn't really do -- I want to be clear. I'm  
4 speaking of FBO. FBO doesn't really do independent  
5 -- competitive grants. If there are competitive  
6 grants, they're handled within the program that they  
7 originate from, to my knowledge.

8 So there are some grants I think that you  
9 have to apply for but, again, that's the extent of  
10 my knowledge.

11 Q Okay.

12 A There are some that exist, and they're  
13 going to be handled by the program staff but not by  
14 us, say.

15 Q And can you give me an example of what you  
16 mean by program staff?

17 A Let me see. 21st Century, I think they  
18 have competitive grants. And I think that's  
19 something with technology or what-not. I don't  
20 know.

21 But the people who work in the 21st  
22 Century program, they're the ones who would refer  
23 the grant applications and kind of go through it and  
24 what-not.

25 Q So they get an appropriation that gives

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1     them a certain amount of money, and rather than  
2     using a formula to allocate it, they can open it up  
3     for competitive applications for a share of that  
4     funding?

5           A     Yes, that's correct.

6           Q     Thank you.

7                   Are there any competitive -- so are there  
8     any competitive grants in connection with just  
9     general education settings?

10                  I was going to say QBE but I know not QBE  
11     because that's a formula.

12           A     Right. Like I say, nothing, nothing  
13     within the FBO unit.

14                  I think they're all relatively smaller  
15     ones. I don't think there's a lot of them, but I  
16     know there's a few that would apply.

17           Q     That's helpful.

18                  On this chart can you tell me what SB10  
19     funding?

20           A     Yes. That is our special needs voucher  
21     program. So essentially there's a program where if  
22     you're a parent and your kid has an IEP that says  
23     you're here -- special needs or what-not, you can  
24     take that IEP and go to a private school and receive  
25     the funding formula equivalent for what that student

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1 would have earned in a private -- in a public  
2 school.

3 So you can take that and we would send  
4 that equivalent to the school for the parent. So  
5 the parent would have to sign off on the check. The  
6 check would go to the school. They would have to  
7 sign off that it's going to the school.

8 Q Thank you. And then if that amount didn't  
9 cover the school, it would be up to the parent and  
10 the school to fund the difference?

11 A That's to my -- to my understanding.

12 Q Okay. There's also CTAE listed on this  
13 chart. Can you tell me what CTAE is?

14 A Career Technical Agriculture Education.

15 So this is like the 4-H, the Future  
16 Farmers of America and people who are interested in  
17 working, going to technical school. So you're  
18 interested in learning skills like, you know,  
19 welding or like things -- things like that.

20 Q Do you know why that one is listed as  
21 federal -- or state/federal?

22 A Because they receive federal funds. It's  
23 also State funds, too. So it's matching. That one  
24 has an explicit match.

25 Q By explicit match, what does that mean?

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1           A       That I think we have to put up so much  
2       state funding to receive federal finding. So I  
3       think we put -- I don't know if it's 50/50 or 75/25.  
4       I don't know the details off the top of my head.

5           Q       Do you know why GNETS isn't listed as  
6       state/fed since it also receives federal funds?

7                   MS. HERNANDEZ: Objection.

8           A       I think it's just -- I don't think that  
9       level of thought went into it. I think it's mostly  
10      because of the state funding portion.

11                   To be honest, the federal portion is  
12      really determined by the federal staff at DOE. So I  
13      don't think -- they basically -- they tell me the  
14      number. They tell me how they want to calculate  
15      that number and we go from there.

16                   So it's really no -- nothing beyond that.

17           Q       Okay. The other ones listed for you  
18      include equalization and local shares. Is that  
19      related to what we talked about before, the five  
20      mill?

21           A       Yeah, the local five mill share.

22           Q       What's the equalization part of that?

23           A       What it's supposed to do in theory, if a  
24      county has significantly less wealth -- so we  
25      determine wealth by property values per student. So

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1 if, you know -- obviously, if you have a county with  
2 -- your median home price is 500,000, you're going  
3 to have a higher tax base than a county where the  
4 median home price is like 200.

5 So this is kind of a state funding to kind  
6 of equalize them to the statewide average, whatever  
7 that average is. So that's usually anywhere  
8 between, last few years, between four and 700  
9 million. So it's a pretty good size, but that's the  
10 overall grant. But that's what that is.

11 Q And the school nurse one, what's the  
12 school nurse?

13 A Yeah. It's basically just the funding  
14 portion in the grant. The schools receive so many  
15 nurses per so many students. So you get so many  
16 students, you get a nurse.

17 It's really some portion, but our nurses  
18 in the State of Georgia are really passionate. So  
19 over the last few years our student counts have been  
20 relatively flat, in some cases declined. And so,  
21 like I said, if your number of students go down, the  
22 number of nursing funding goes down.

23 So what happened -- so we basically broke  
24 it out and now it's just a separate grant calculated  
25 that way.

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1 Q Just to make sure I understand, is there a  
2 nurse also part of account be and this is on top of  
3 that, or is the nurse only through this grant?

4 A I think it was broken out of QBE. If you  
5 look at our grant, our funding -- I have to see when  
6 we actually broke -- I know it's broken out now. I  
7 don't know if it was broken out then. I think it  
8 was just -- at the time it was within QBE. I think  
9 Jon just separated it out just so that we can --  
10 actually, I don't want to speak to Jon's state of  
11 mind.

12 But, yeah, I think it was in QBE at the  
13 time, but, like I say, it's always been such a --  
14 they always noticed it, so.

15 Q So now it's separately funded?

16 A Yeah, yeah.

17 Q Okay. And if we take this opportunity for  
18 you to give a brief explanation about T&E?

19 A Training and experience. Real simple,  
20 it's -- the funding formula pay if paid for the base  
21 cost of the teachers, which the cost of a teacher  
22 with zero to two years which suggests a bachelor's  
23 degree. As teachers get more experience and get,  
24 you know, more education, I will say they move up  
25 the salary scale. T&E pays that difference when

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1 they move up the salary scale.

2 So basically if you have a school district  
3 and you hire all brand-new teachers at one year  
4 experience or no experience, you get zero T&E. But  
5 if you are in a school district with everybody had  
6 30-something years of experience and Ph.D.s, you get  
7 a whole lot.

8 So that's basically how it works.

9 Q So the QBE includes the base salary and  
10 then any other extra, the T&E comes from the  
11 separate grant?

12 A Yes.

13 Q Okay. That's also very helpful.

14 MS. TAYLOE: We're done with that exhibit.

15 Thank you, Allison.

16 BY MS. TAYLOE:

17 Q So I have some questions about process  
18 now, and we have kind of -- we've touched on some of  
19 it before because it's hard to define something  
20 without explaining where it is in the process and  
21 vice versa, so I'll try to streamline this, but we  
22 have a good head start from your past explanations.

23 I want to start by a looking at HB 911.

24 MS. TAYLOE: I'm going to introduce that  
25 as Plaintiff's Exhibit 748.

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1 (WHEREUPON, Plaintiff's Exhibit-748 was  
2 marked for identification.)

3 MS. TAYLOE: This doesn't have a Bates  
4 Stamp number because I just took this off the  
5 State website.

6 BY MS. TAYLOE:

7 Q This is a super long document, as I'm sure  
8 you're well aware, so we're not going to look at all  
9 that.

10 I'm going to ask you generally, are you  
11 familiar with the FY23 appropriations bill?

12 A Yeah. Yes.

13 Q Then I would like you to turn to page --  
14 well, the page numbers are kind of funny on this  
15 document.

16 So Page 61. The PDF shows it as Page 71.

17 A Yeah.

18 Q It's the beginning of Section 24.

19 A Which section? Is it QBE or GNETS?

20 Q It's Department of Education generally.

21 A Okay.

22 (Witness reviews exhibit.)

23 A Okay.

24 Q There you are.

25 A Okay.

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1 Q Okay. And for the record, this is the  
2 State appropriations bill for the Fiscal Year 2023?

3 A Okay.

4 Q Is that correct?

5 A Yes.

6 Q And is it correct Section 24 sets forth  
7 the appropriations to the Department of Education  
8 generally?

9 A Yes.

10 Q And the amount appropriated for this year  
11 was shown on Line 1813, is \$12,825,676,638. Is that  
12 correct?

13 A Yes and no. I mean the federal funds are  
14 -- federal funds are informational. They're an  
15 estimate because you don't know at the beginning of  
16 the year. So they're not a hard number. It's an  
17 estimate, and sometimes they take the approach of  
18 just -- you want to just stick -- you know, make  
19 that on the low end.

20 But, yes, the federal funds are an  
21 estimate. The State funds are a hard number.

22 Q Is that because the federal and state  
23 appropriations happen at different times --

24 A Right.

25 Q -- so it's not known -- okay, that makes

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1 sense.

2 So with that caveat, I'll keep that caveat  
3 in mind.

4 That's roughly the funding available to  
5 the State for education for the year?

6 A Yes.

7 Q And your office oversees the  
8 administration of all of those funds?

9 A Correct.

10 Q So the federal funds and grants shown in  
11 Line 1814, is that the part that you say is an  
12 estimate?

13 A Yes.

14 Q And the rest of it on the next page,  
15 starting with Line 1819, the state funds, that's the  
16 part you said is set?

17 A Yes. State funds is a hard number.

18 Q The State funds is over 10-1/2 half  
19 billion. So that's the majority of the education  
20 funds available?

21 A Yes. I'm sorry.

22 Q Can you tell me what it means when it says  
23 not specifically identified in the Federal Funds  
24 line, and the other funds line?

25 A Yes. There are certain grants that the

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1 Governor and General Assembly wanted to keep a  
2 specific eye on and make sure they weren't being  
3 appropriated or being moved around in ways without  
4 their approval.

5 And if you go through the document, you'll  
6 see some of them, like tentative Medicaid. There's  
7 some other ones, but those are the ones that kind of  
8 stick out. But you'll see them at the beginning of  
9 the document.

10 Everything else, there's so many things --  
11 everything else mostly was categorized as not  
12 identified, not specifically identified. So it's  
13 basically a catch-all for all the other federal fund  
14 sources. And it's basically just an accounting, you  
15 know, an accounting for ease or number or whatever.

16 Q Does that mean the department has  
17 discretion how to spend them, or not?

18 A No, no. It has discretion on where it's  
19 spent in the budget. But I mean we still -- you  
20 know, we're in -- we obviously still have to follow  
21 the rules for the federal -- that the Federal  
22 Government has when they give us a grant. If the  
23 Governor has advice, you know, we follow it. But  
24 with the, with -- the ones that are identified, if  
25 they're identified within a particular program, we

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1 just can't move them to another program and spend  
2 them.

3 So it's basically restricting the money,  
4 because we're program-base budgeting. So you  
5 couldn't take -- if you were in DHS, you couldn't  
6 just take 10 million and 10 and move it from  
7 adoption services to out of home care services  
8 without talking to the Governor's Office. Like, you  
9 know -- but we're federal, so we can move those  
10 monies between the programs and we supplement it,  
11 but you would have to get the Governor's office and  
12 the General Assembly's approval to move those  
13 identified funds in ways. Whereas the  
14 non-identified don't have that level of scrutiny,  
15 just the normal level of scrutiny.

16 Q Thank you.

17 Then there's a line that says Other Funds  
18 in between federal and state. What are Other Funds?

19 A It's anything that's not federal. So I  
20 mean for us it can be bond funds. That's mostly  
21 what it is, bond funding that's put in there.

22 It could be revenue. So our virtual  
23 school, GAVS, Georgia Virtual School, the money they  
24 collect from tuition, that's other funds. Basically  
25 anything that's not a federal grant and we don't

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1 receive directly.

2 So if another agency receives a federal  
3 grant and they contract with us, it becomes other  
4 funds for us because it's federal funds for them.  
5 So, like I say, anything that's not federal.

6 Q Thank you.

7 Then under Line 1820, there is a statement  
8 about QBE formula and the base unit cost of  
9 \$2,897.26.

10 Can you tell me what that -- I think we've  
11 talked about it, but can you tell me what that is  
12 there?

13 A I would want to look at our alignment  
14 sheet. I've never actually -- I never -- because I  
15 always go straight to the program, so.

16 But I think it's -- what it's supposed to  
17 be is the per FTE cost of a high school student,  
18 which is the base cost. And it's the lowest cost.

19 So if you're looking at a high school  
20 student, FTE, like one -- they would divide it into  
21 six FTEs. So one-sixth of that should be 2000 --  
22 that number. But I want to check before I say  
23 that's exactly what that is, because I never paid  
24 attention. So I'm wondering if they -- if that's  
25 something, just a holdover and they don't update it.

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1 Q I have another document that has that  
2 number in it. We can confirm it when you see that.

3 I want to talk about, when you say 1/6th,  
4 is that because of the segments? Is it divided by  
5 the segments?

6 A Yes.

7 Q When we see the other document, we can try  
8 to figure that out together.

9 But depending upon whether it's segments  
10 or whole, this is the number that's used for the  
11 basis for the QBE funding calculation?

12 A I'd say that I need to verify that, but  
13 that's my assumption.

14 Q Then in this document I want to skip  
15 forward a few pages to Page 65, but again the number  
16 is funny. So I'll just say Section 24.7.

17 A 24.7, yeah.

18 Q In that section, Lines 1913 through 1915  
19 all have the same dollar amount. Can you tell me  
20 what those lines mean?

21 A That's where most of the Federal Programs  
22 funding is spent. That's the title -- Title I  
23 funding. That half million, Special Education  
24 funding, that six or 700,000 -- or six or 700  
25 million. You know, all the -- most of the federal

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1 grant funding that goes out to districts.

2 So some of the funding may be in other  
3 places but this is most of the funds that are going  
4 out to the school systems as the programs -- as the  
5 purpose says.

6 Q So would this include IDEA funding?

7 A Yes. But, again, that's the funding  
8 that's going out to the systems.

9 Q And then in Line 1916, it refers to the  
10 previous years appropriations bill, and is that  
11 reflecting the -- can you explain what the numbers  
12 in Line 1916 are?

13 A Yeah. So there are no -- there's no  
14 change in state funds, and it doesn't look like  
15 there was any change in -- because the bill is  
16 mostly going to show changes in state funds, but  
17 there doesn't look like there was any change in the  
18 federal funding either. That's why I say this an  
19 estimate with this. So basically we, you know, we  
20 carried over the amount from the previous year, HB  
21 81, into, into this amount.

22 Q So the numbers in the box would be if  
23 there was any change from the previous year?

24 A Right.

25 Q Do you see in Line 1917 where it says

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1 "Transfer funds from the Georgia Network for  
2 Educational and Therapeutic Support," and it says  
3 "GNETS" in parentheses, "program to the Federal  
4 Programs program to reflect dissolution of state  
5 level GNETS program?" Do you see that?

6 A Yes.

7 Q And then it says in parentheses: "CC:No."

8 First, does CC:No mean it was denied in  
9 conference committee?

10 A Yes.

11 Q Do you know what this entry is referring  
12 to?

13 A To my understanding was that it was --  
14 that we were -- not "we." That the budget offices  
15 were thinking about -- this is just me. So, no, I  
16 -- maybe I shouldn't -- I don't want to speculate on  
17 what they were -- the, the -- all I know is that it  
18 was proposed to close the GNETS programs and move  
19 them out to -- back to the individual systems, but  
20 they decided not to do that at the time.

21 Q And who "they" be, when you say that?

22 A The conference committee. So the  
23 legislature. This is a legislative document.

24 So the legislature was looking at it and I  
25 guess they decided not to do it.

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1 Q And was it your understanding they were  
2 proposing to close the programs or to reroute the  
3 funding for the programs?

4 MS. HERNANDEZ: Objection.

5 A I'd have to go back and look at the  
6 document because I don't want to -- you can see it,  
7 if you look at the sentence budget of the document.  
8 So that's where the answer will be. So whenever  
9 they -- whatever they submit out -- sent out would  
10 tell you if they were doing it. I don't remember if  
11 they were -- if they moved the money or if they  
12 were, you know, just taking the money and closing  
13 it.

14 Q You said you have to go back and look at  
15 the document. What document are you referring to?

16 A The Senate's version of the budget  
17 document. So this one is the final document. But,  
18 you know, you have the Governor's rec, the House  
19 rec, the Senate rec, and then conference committee.  
20 So the conference committee is the final, but if the  
21 change was made, I think it was in the Senate's  
22 recommendation.

23 Q So the House recommended making the  
24 change, the Senate -- no, I'm sorry.

25 How would you know it would by the Senate

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1 version that --

2 A I think it was the Senate. I remember I  
3 think that was the Senate. That's my recollection  
4 is. But you can go find -- I mean, like I say, you  
5 can go look at the different versions of the budget  
6 document and see.

7 Q Thank you.

8 Was the Department of Education consulted  
9 about this proposal?

10 MS. HERNANDEZ: Objection.

11 A I don't know. I mean I believe so. I  
12 mean but that would have been conversation in the  
13 superintendent's office. So I wouldn't have sat in  
14 on those.

15 Q Was it discussed with you?

16 A No.

17 Q Do you know if GaDOE had a position on the  
18 proposed change?

19 MS. HERNANDEZ: Objection.

20 A No.

21 Q No -- sorry. No, you don't know if they  
22 did?

23 A No, I don't know.

24 Q You said it was at the superintendent  
25 level. Who, who would have been consulted about

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1 this proposal at that --

2 A That's if they were. I don't know. But I  
3 mean If they talk to anyone, it would have been the  
4 Board, the superintendent, you know.  
5 Superintendent, which it was -- his chief of staff  
6 Matt Jones. I don't know beyond that.

7 Q It would have been at that level?

8 A Yeah.

9 Q Okay, thank you.

10 Do you know when it's at the point where  
11 you're saying the House and Senate had different  
12 versions that were resolved at conference committee,  
13 is there an opportunity for other interested parties  
14 or stakeholders to weigh in at that stage?

15 A Yes. They have appropriations meetings.  
16 So you can -- they have public meetings on the  
17 documents. So we meet with both budget offices on  
18 both -- I say "we," the Department of Education, but  
19 every agency meets with them.

20 And I'll say, you know, the committee  
21 chairman. So people will meet with him privately,  
22 too, but they have public discussions as well.

23 Q So are you aware of any feedback that was  
24 provided to them about this proposal?

25 A No.

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1 Q Okay. Then the next section is, on GNETS,  
2 Section 24.8, and just to confirm, this is the  
3 appropriations for FY23. Can I confirm that this is  
4 funding for the school year 2022-23?

5 A Sorry, repeat your question.

6 Q I want to make sure that I understand  
7 correctly that it's called the fiscal year '23  
8 budget, and is that for the school year 2022-23?

9 A Yes.

10 Q Because the fiscal year is that year ends,  
11 not the year it starts?

12 A Right.

13 Q Thank you for confirming that.

14 And then -- so the amounts shown in Line  
15 1919, the State appropriated \$65,427,745 to the  
16 GNETS program for that school year?

17 A Again, the federal funds is an estimate.  
18 So it may not be that amount.

19 Q Okay. So the part we can be sure about,  
20 the state appropriated \$54,104,943 to the GNETS  
21 program for that year?

22 A Correct.

23 Q Following up on your qualification about  
24 the federal funds being an estimate, has the final  
25 amount appropriated in the federal funds category

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1 ever been far off from the estimate?

2 MS. HERNANDEZ: Objection.

3 Q In your experience?

4 A Well, I don't usually compare it because I  
5 know this isn't a document for that. If you want  
6 the federal amount, you basically just go to the  
7 Board item. So I don't -- I never try to pull it.  
8 I never compare it.

9 Q But if it were substantially off, would  
10 you be dealing with budget amendments or something  
11 to account for the difference?

12 MS. HERNANDEZ: Objection.

13 A We don't have to -- we don't have to load  
14 the -- actually, like so we don't have to load the  
15 federal money that's in here in our internal system.  
16 We load it in our state budget system, or our -- the  
17 other budget system we have with the Government's  
18 budget office. So we can correct that at any point.  
19 And we load in the amount based on the board item in  
20 our internal system. So it's not -- I guess it's  
21 not an issue.

22 Q Are the amounts we just discussed, the  
23 state amount and estimated federal amounts, are they  
24 generally consistent with past years?

25 A So it's been -- the state amount has been

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1 fluctuating because the student count has been going  
2 down. So, so -- I mean it's been declining, but the  
3 rate of decline is -- I haven't -- you know, I  
4 haven't really looked to do it as a trend analysis.  
5 But I know the student count has been going down  
6 significantly. So fewer students within the  
7 program.

8 Q Do you see in Line 1930 that it says,  
9 "Reduce formula funds for enrollment and training  
10 and experience decline"?

11 A Uh-hum. (Affirmative.)

12 Q So there's no way to know from this how  
13 much that decline is based on declining enrollment  
14 and how much is based on declining T&E expenses?

15 A Not from here. You have to kind of look  
16 at the spreadsheet.

17 Q Then in Line 1931, it says: "Increase  
18 funds to offset the austerity reduction to the GNETS  
19 grants."

20 I know you mentioned earlier about the  
21 GNETS grants. Can you explain what this line does?

22 A It basically adds in that 2. -- that 2.4  
23 million to reduce the impact of those, of that  
24 austerity reduction.

25 Q Did it eliminate that or just reduce the

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1 impact of it?

2 A I think it just reduced it.

3 Q Then in Line 1925, it talks about  
4 addressing agency recruitment and retention needs.

5 Do you know what that is in reference to?

6 A So that was one of the -- I think that one  
7 is big, big priorities last legislative session,  
8 which we are all grateful for.

9 To basically increase state salaries to  
10 reflect -- or basically -- yeah. To help with  
11 turnover. I mean he has -- I don't have the numbers  
12 off the top of my head, but we've just lost so many  
13 employees due to basically low salaries.

14 So this was to increase it, and this is  
15 just for the program manager within the GNETS  
16 program. So it was just one person that we're  
17 funding here. But it was part of that incentive to  
18 increase salaries to retain -- to help retain more  
19 employees.

20 Q So the entry for Line 1925 is just for the  
21 program manager?

22 A Yes.

23 Q That's helpful.

24 Is there a similar effort for other GNETS  
25 teachers and paraprofessionals?

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1           A       Yes, 1929. So the teacher -- it was 5,000  
2       for state employees, but teachers had already  
3       increased by 3,000 in a previous year. So the  
4       teachers increased by 2000. So everybody has gotten  
5       the 5,000 increase.

6           Q       Thank you.

7                   The last one on this, in Line 1933,  
8       there's no funding associated with it, but there's a  
9       directive to GaDOE, which reads: "The Department of  
10      Education is directed to evaluate, in consultation  
11      with stakeholders, the GNETS program to provide  
12      strategic statutory recommendations and funding  
13      formula updates to the Office of Planning and  
14      Budget, the House Budget and Research Office, and  
15      the Senate Budget and Evaluation Office by November  
16      1, 2022. (CC:Yes)."

17                   Did I read that correctly? Do you see  
18      that?

19          A       Yes.

20          Q       Did the Department of Education conduct  
21      the evaluation as directed here?

22          A       I believe so -- you know, I don't know. I  
23      believe so, yes, but I don't -- well, I believe so,  
24      but I don't know.

25          Q       Were you involved in the evaluation?

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1           A     I know we've talked about it, but, again,  
2     some of these questions would be handled by the, at  
3     the deputy superintendent, the superintendent and  
4     deputy superintendent level.

5                     So I don't -- I can't speak to every  
6     meeting they've had and what they've -- but I  
7     believe they have, but I don't know for sure.

8           Q     Do you know who the stakeholders were that  
9     GaDOE consulted with?

10                    MS. HERNANDEZ: Objection.

11           A     I mean it would be the GNETS program  
12     managers. So but I don't -- you know, again, I  
13     don't know how much they've talked with.

14           Q     And when you say GNETS program managers,  
15     do you mean the regional GNETS program managers?

16           A     Yeah, yeah. Or the directors. The GNETS  
17     directors. Yeah, just anybody who is working at the  
18     center.

19           Q     And what were the statutory -- I'm sorry.  
20                    What were the strategic recommendations  
21     and funding formula updates that were referred to,  
22     referred to here?

23                    MS. HERNANDEZ: Objection.

24           A     I don't know.

25           Q     Did you see a copy of the evaluation

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1 report?

2 A No.

3 Q And what makes you believe it was done?

4 A I mean they've had discussions. I think  
5 I've been asked to provide some information, but,  
6 you know --

7 Q What information were you asked to  
8 provide?

9 A Just questions, budget questions on the  
10 amount. You know, just the number -- how much has  
11 been spent on allocations versus -- yeah, just  
12 general budget questions.

13 Q Has -- have past appropriations bill  
14 included instructions to conduct an evaluation like  
15 this?

16 A No, not recently.

17 Q Not recently? So it may have happened  
18 before?

19 A I don't want to speak on bills that I  
20 haven't seen, you know, but I'm saying in my time I  
21 haven't seen it.

22 Q So not in your time at least?

23 A Yeah.

24 Q Is there any other mechanism by which the  
25 department provides these sorts of recommendations

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1 and updates?

2 A I mean it's not, it's not -- it's not  
3 always so formal. I guess it's, you know, we have  
4 conversations, we call people. People set up  
5 meetings, you know, impromptu meetings.

6 So, like I said, that could have happened  
7 any time. And so I don't, you know -- so, yeah, I  
8 don't know. But I mean, like I say, we -- yeah,  
9 it's not outside the realm of possibility. We've  
10 had multiple conversations, so.

11 MS. TAYLOE: Danielle, I would just ask if  
12 there is an evaluation along with this, I think  
13 with have a pending request for this, but I  
14 renew our request for that.

15 The next document is going to take a bit,  
16 so if this is a good time to take a break, we  
17 can take a break.

18 THE VIDEOGRAPHER: Off the record at 11:02  
19 a.m.

20 (A recess was taken.)

21 THE VIDEOGRAPHER: Back on the record at  
22 11:22 a.m.

23 BY MS. TAYLOE:

24 Q Welcome back.

25 I had a few questions I wanted to just

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1 follow up on from this morning's round.

2 You mentioned a Carmen Hernandez and  
3 Carmen Fryemeier, and I'm curious if that's the same  
4 person and she has a new name, or if they're two  
5 different people?

6 A They're the same person. I just -- I  
7 can't remember which is her last name.

8 Q Is it hyphenated or --

9 A No. It's --

10 Q I've seen documents with Carmen Fryemeier.  
11 Is that the person you're talking about, or is there  
12 also a Carmen Hernandez?

13 A I think Carmen Hernandez was her name  
14 before she was married. So I think it's Carmen  
15 Fryemeier, I think.

16 Q Thank you for that.

17 I wanted to ask you a few more questions  
18 about the directives we were talking about right  
19 before the break, and you side there had been --  
20 there had been discussions that you've been a part  
21 of about the request from the -- in the  
22 legislative -- in the bill.

23 What were those -- start with, who were  
24 those discussions with?

25 A I thought I was -- I said I'd been asked

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1 questions about -- you're talking about like the  
2 November 1 directive?

3 Q Yes.

4 A So I've been asked questions, you know,  
5 throughout this time over the last few months,  
6 budget questions. But I don't know that I've --  
7 well, I mean I don't know -- I guess we've been in  
8 some meetings and talked just generally about the  
9 budget questions that they had, but I don't know,  
10 did I have anything else or --

11 Q You said there had been discussions. I  
12 guess you didn't say you had been involved in the  
13 discussions.

14 A I say, I say -- it's not, it's not -- yes,  
15 I mean I -- yes, they've been -- they've been  
16 talking about it. I mean I just can't imagine they  
17 haven't been talking about it. Like I say, it's not  
18 as formal as, you know, meetings. Like I say, it's  
19 been phone calls, it's been discussions, talks, but  
20 I don't know that I've been in any of them.

21 Q Okay. Who requested information from you  
22 about the request?

23 A Tiffany -- is her last name Taylor? I'll  
24 just call her Tiffany. I don't know her last name.  
25 Deputy superintendent.

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1 I can get her full name to you.

2 Q Deputy superintendent of the Georgia  
3 Department of Education?

4 A She's over the policy unit. So I know  
5 she's asked some questions about -- in fact, she was  
6 putting together a document. I don't know if this  
7 is that document or something, but she was asking  
8 for some budget information for us to verify and to  
9 provide some budget information.

10 Q What kind of budget information was she  
11 asking about?

12 A Just how much -- you know, basically the  
13 GNETS budget, program budgets.

14 Q And when you say budgets, plural, does  
15 that mean --

16 A Multiple years.

17 Q Multiple years, not the allocations?

18 A No. I don't -- she wasn't asking for a  
19 specific allocation. Not LEA allocation, but just  
20 multiple years.

21 Q And what was the range of years she was  
22 asking about?

23 A I think I did the last three years, three  
24 or -- maybe three years, five years. I don't  
25 recall.

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1 Q And just the overall numbers for GNETS?

2 A Yes. I mean I broke it out, you know,  
3 however she needed it. So I may have broken it out  
4 from the total amount, but -- but, yes, basically.

5 Q What breakouts are you referring to?

6 A I might have broken it out by allocations  
7 versus, versus how much went to contracts or  
8 in-house state submitted, versus how much for  
9 program staff, and then maybe state versus federal.  
10 Just things like that.

11 Q Thank you. When you mention in-house  
12 program staff, who is that referring to?

13 A The GNETS program manager is Vickie closer  
14 land.

15 Q Would that also that include Lakesha  
16 Stevenson?

17 A She works under Vickie, but I don't think  
18 she's housed within the GNETS program. I think --  
19 so I think she's in the policy unit. But I think  
20 she works under Vickie. So I guess yes. But I  
21 don't, I don't -- honestly, I don't know how they  
22 want to divvy that up. So I'll let them answer  
23 that.

24 Q Thank you. Okay.

25 That catches me up. Thanks for walking me

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1 back with that.

2 MS. TAYLOE: So I would like to introduce  
3 as document -- I'm sorry -- Plaintiff's Exhibit  
4 749 a document called "Allotment Sheet FY23."

5 (WHEREUPON, Plaintiff's Exhibit-749 was  
6 marked for identification.)

7 BY MS. TAYLOE:

8 Q And this -- I'll give you a second to  
9 review it. Can you see it on your screen?

10 A Yeah.

11 (Witness reviews exhibit.)

12 A Okay.

13 Q Are you familiar with this document?

14 A Yes.

15 Q I was curious what you call it in your  
16 office because I see both earning sheet and  
17 allotment sheet in the name.

18 A Probably allotment sheet.

19 Q What does earning sheet mean?

20 A I think it was just something used here,  
21 but, I mean -- yes. I mean these are our QBE  
22 earnings, yes.

23 Q So I just want to explain that this  
24 allotment sheet was taken from GaDOE's website but  
25 on the website there's a search tool that prints it

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1 in a PDF version that appears to drop some numbers  
2 in the totals columns. You can see some at the  
3 bottom end with commas.

4 A Yes.

5 Q So is it safe to assume that those numbers  
6 in the live version would be the totals of the  
7 numbers above, that it indicates it's totaling?

8 A Yes. I mean I had to look at the  
9 specifics, but yes. I mean it should be -- the  
10 cells should add up, you know.

11 Q So I can't see the last three digits in  
12 some of them, but they would be there in the live  
13 sheet?

14 A Yes.

15 Q Otherwise, this PDF version is the same as  
16 one you can access in your office through some  
17 portal?

18 A That's correct, yes.

19 Q Who prepares this allotment sheet?

20 A We have our -- our IT staff. They have a  
21 system that calculates it. We work in conjunction  
22 with them. So we have to provide certain  
23 information to them. So it's basically our IT unit  
24 and us, but the IT unit is the one who actually  
25 publishes it.

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1 But, yeah, we have to provide the  
2 information and allow the information that goes into  
3 it.

4 Q What information do you provide to  
5 generate this?

6 A So they can calculate the earnings based  
7 on the, the -- the FTEs, they can calculate that,  
8 like the QBE earnings, because they have the FTE  
9 data, they have T&E data.

10 We have to provide local five mill data,  
11 as well as the categorical grants, the categorical  
12 grants. We have to provide that to them. So the  
13 things that you see under that, that -- that total.

14 And then if there are any other changes  
15 that we have to make that they wouldn't know about.

16 Q So where does the FTE and T&E data come  
17 from that they use for this?

18 A Okay. So the FTE data is -- there's QBE  
19 FTEs and there's regular FTEs. So when we're  
20 talking about QBE FTEs, that's a funding calculation  
21 which is set out in 20 -- in O.C.G.A. -- the  
22 Official Code of Georgia. There's a calculation, a  
23 funding calculation for that.

24 And so the FTEs here are calculating --  
25 are being calculated based on that, that definition

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1 that's laid out in Georgia Code. And so that's a  
2 combination of the last three student count -- FTE  
3 counts.

4 And this one is actually Amendment 2. So  
5 this incorporates significant growth. So the new  
6 charters who don't have three preceding counts, we  
7 have to fund them. So we take their new student  
8 count data and add that in. And the charters who  
9 have grown, we've got to incorporate that as well.

10 Q I'm going to put the charters aside for a  
11 bit and just ask what the FTE counts that are used  
12 for, the QBE FTEs?

13 A Oh, the -- so it's the three, three most  
14 recent counts. So to calculate the '23 allotment,  
15 we would calculate that initially. This was  
16 calculated last budget -- last year. The '23 count  
17 was calculated last fall and winter.

18 So the three most recent at the time were  
19 the '22-1 count, which was the October -- yeah, the  
20 October 2021 count; and then the spring count for  
21 '21, which is March '21; and then the October count  
22 for 2020.

23 Q Are they weighted equal, the three FTE  
24 counts?

25 A No.

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1 Q How are they weighted?

2 A It's -- I can't verbally say it. It's a,  
3 it's a count based on, based on the code. If you  
4 want after this, I can send you a kind of a  
5 spreadsheet that shows that, but, no, they're not  
6 weighted equally.

7 I think there's slightly more weight given  
8 to the most recent count, but, but it's not a  
9 straight-up calculation.

10 Q And the counts that are used are actual  
11 student counts as of certain days in March and  
12 October of every year?

13 A Yes.

14 Q And is this reported by the LEAs?

15 A Yes, they report this to us.

16 Q And is it reported to a system that your  
17 -- that you access to be able to provide this  
18 information to the IT staff?

19 A No. They report it to our IT staff. So  
20 they report it directly to the IT. Like I say --

21 Q Because they do that part, that's right.

22 A Yeah.

23 Q Is there some kind of shared document or  
24 shared drive where this information is accessible by  
25 the people reporting it and people who use it, or do

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1 they have to email it to them or some person?

2 A I don't know the specifics. I do know  
3 there's a verification process but, no, I don't know  
4 how they actually enter it in, but I know they have  
5 to submit it.

6 Q So the LEAs report the FTE counts, and  
7 from that the IT staff calculates the QBE FTE for  
8 use in this document?

9 A Right. Well, yeah -- well, we calculate  
10 it as well. We calculate it separately. Like we  
11 have -- I have spreadsheets that calculate it.

12 So we, we -- just as a check, you know, we  
13 -- they'll come up with a number, we come up with a  
14 number. We make sure we're calculating the right  
15 thing, so.

16 Q And then how does -- where does the T&E  
17 data come from that they use for this?

18 A That is also reported by the districts  
19 because, as I say, that's teacher data and that's  
20 number of years of experience, education level. So  
21 that's reported by the LEA district to our IT unit  
22 and they compile it and put it together.

23 Q And which year's teacher data would that  
24 be?

25 A The most recent one available. So, so for

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1 '23, when we're calculating '23, the most recent  
2 available was 22-1. So October of '21. Yeah.

3 Q And that's not weighted? That's just the  
4 one most recent year?

5 A Yes.

6 Q That's helpful. Thank you.

7 So IT calculates those things, you add in  
8 the pieces you mentioned, and then this document is  
9 assembled somewhere? Who puts it together?

10 A The IT staff, they print it and they put  
11 it on our website.

12 Q What stage of the budget year would this  
13 be happening in?

14 A So nothing that's finalized until the  
15 appropriations document comes out.

16 So we have an idea of what the numbers are  
17 is going to look like almost right away, so we can  
18 kind of calculate it, but we don't know what the  
19 Governor's Office is going to recommend, what the  
20 House and the budget are going to pass and approve.

21 So for '23, we don't -- so the '23 budget  
22 actually wasn't signed -- it's one of the last  
23 documents -- the budget for the next fiscal year is  
24 always one of the last documents -- budgets signed  
25 by the legislature. So during that legislative

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1 session they have 40 days. So it's usually one of  
2 the last documents. So we won't see that until  
3 April.

4 I mean, you know, but it can -- for the  
5 pandemic, when -- was that 2020? That document  
6 didn't come out till right before the end of July --  
7 or right before the end of June. I'm sorry. So  
8 we've had some really late days.

9 But usually it's April or May.

10 Q So are there versions of this document  
11 that are done earlier with estimates?

12 A Not for '23. So we didn't publish -- we  
13 don't publish the '23 until after it's been signed  
14 by the Governor. We don't publish the initial '23  
15 until it's been signed by the Governor.

16 So we won't have -- for like '24, we won't  
17 have that until after that's signed by the Governor.

18 Q So this document doesn't appear on the  
19 website until after the appropriations bill has been  
20 finalized and you've had a chance to incorporate all  
21 the data and produce this spreadsheet?

22 A Right.

23 Q So that will be usually spring or early  
24 summer?

25 A We usually wait to do the first one right

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1 at -- right before the year is coming out. But,  
2 yeah. But, early spring, early summer, yeah.

3 Q And then this is the document I referenced  
4 before that had the number 2,897.28 in the upper  
5 corner there, and it says "the basic unit cost is  
6 defined to be the amount of." And we also saw this  
7 number in HB 911. I'm curious now if that is the  
8 number used to determine QBE funding?

9 A It still is -- I would need to see the --  
10 so basically what this is -- what I'm thinking it  
11 has to do with is like with the QBE weight. So I  
12 would need to see the weights -- the spreadsheet for  
13 the weights, which with do publish.

14 But, yeah, I mean, if you're asking if  
15 this matches this -- this number on here matches  
16 that, but I still don't know -- this still doesn't  
17 tell you very much. I would need to look at the  
18 actual QBE weights to see what this number really  
19 is. So, yeah.

20 Q So we're going to talk about the formulas  
21 in more detail later, but right now I want to walk  
22 through this document and get a sense of what the  
23 different pieces of it are.

24 So can you give a general description of  
25 what falls -- or what's considered a direct

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1 instructional cost?

2 A Yeah. That is -- it's going to be, you  
3 know, the things that are -- you can directly charge  
4 to a student. So the teachers in the class. You  
5 have a class with 20 students and, you know, you  
6 have a teacher. You divide those 20 students up by  
7 one teacher. You're going to pay for so much for  
8 paper based on those students. You know, pencils,  
9 direct supplies.

10 You know, you're going to do -- I want to  
11 say -- I wish I had the spreadsheet.

12 Yeah, I mean it's basically those things  
13 that are directly attributable to a student, which  
14 are usually staff, staff -- in the classroom staff.  
15 Like I side, there's also supplies and -- I think  
16 those are the big costs. There may be some smaller  
17 ones I can't think of right now.

18 Q And then indirect costs?

19 A Again, those are -- they're bigger costs,  
20 like you're not going to say you need so many  
21 principals. You're only going to have one  
22 principal, you know, for a certain class -- you  
23 know, so many students, you might, you might  
24 generate a principal. But it's not, you know, it's  
25 not directly tied to it.

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1           So let's say psychologists, I think that  
2     might be an indirect -- I think that's an indirect.  
3     Let's see.

4           Facility maintenance and operations. So,  
5     you know, just keeping up with buildings. Heating,  
6     that's not really student -- a classroom thing but  
7     you've got to have --

8           Q     Are some of --

9           A     -- heat.

10          Q     Are some of these costs, I'm sorry, more  
11     linked to the number of buildings than the number of  
12     students?

13          A     Yeah, or just -- yeah, it's just not  
14     direct instructional. So it's kind of one of those  
15     things like if it's directly tied to instruction,  
16     then you say that. But if it's not, if it's  
17     everything else, everything else that goes into a  
18     school system. So that would be indirect.

19          Q     And then what's the difference -- or the  
20     phrases here are "earnings" and "earned positions"  
21     at the very top of the sets of columns.

22          A     So that's -- I guess that's basically  
23     calculating how many -- I've never actually,  
24     actually done the math on this, but I think that's  
25     the number in the formula -- that base count. Like

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1 I say, we were talking about the base the formula  
2 finds. That this is what would be calculated by --  
3 for each of those individual programs.

4 So for the number, for all the  
5 kindergarten students in the State of Georgia, the  
6 number of students would generate 6515.46 teachers.

7 Q So the earnings is the number of dollars  
8 that would be generated by the FTE for that  
9 category?

10 A Right.

11 Q And the earned positions is how many  
12 positions that would fund?

13 A Right.

14 Q Okay. And just to clarify, is this -- you  
15 said earlier that the basic unit cost is for a high  
16 school student. So are these categories under  
17 direct instructional cost, are those different  
18 ratios based on the amount it takes to educate --  
19 the amount considered necessary to educate the  
20 different levels of students here, different  
21 categories of students?

22 A Repeat that. I'm sorry. One more time.

23 Q I'm sorry, I didn't say that clearly.

24 You said the basic unit cost was based on  
25 a high school student?

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1 A Right.

2 Q And then there are ratios for each of  
3 these different categories of students that are  
4 applied to the base unit cost?

5 A That's correct. That's correct, yes.

6 Q And do you know what those -- why there's  
7 a different ratio used for each of those categories?

8 A Well, it's just -- again, this is an older  
9 form, but the, the -- my understanding of the logic  
10 behind it is -- I mean, yes, you can't have -- you  
11 may have class with 25 high school students in it  
12 and one teacher, but you can't do that for  
13 kindergarten. You'll kill your teacher.

14 So I think it's kind of recognizing  
15 different students at different levels are -- you  
16 know, kind of cost more to educate.

17 So basically we're saying the high school,  
18 the generic high school student is the cheapest  
19 student to educate. You know, 10th grader in a  
20 normal class, you can have the biggest class and  
21 what-not. That's the cheapest one.

22 As you see the weights, like, you know, so  
23 you can -- it's clearer when you look at the weight,  
24 the QBE weights, but, you know, you can kind of see  
25 how that applies to a kindergarten, kindergarten

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1 AIP, you know, gifted students, those different  
2 categories. So...

3 Q I think I muddled things by using the word  
4 "ratio". So what I understand you to say, the ratio  
5 goes to the earned positions because you can have  
6 different numbers of students in a class for  
7 different categories; is that correct?

8 A Oh, okay, yes. Yes.

9 Q What I probably should have said is  
10 multiplier then for the first part because the high  
11 school student has a multiplier of one, and then the  
12 base cost, but other categories of students have  
13 different multiplier of GEs -- there's a different  
14 word for it that I can't remember now.

15 A You mean weights?

16 Q Weights, yeah. Is that --

17 A Well, okay, I mean -- this is how I think  
18 -- I think I understand. So let me know if I'm  
19 answering your question correctly.

20 But I mean each of these, each of these  
21 categories has their own definition. That's why I  
22 said you can see that in the weights, have their own  
23 definition for how many teachers they get. So if  
24 that's what you want to see, we can see that in the  
25 weights.

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1 Are you asking for a different thing?

2 Q I think there's something before the  
3 ratio. Like the weights -- the FTE earnings for a  
4 kindergartener is greater than the FTE earnings for  
5 the same number of high school students; is that  
6 correct?

7 A Right.

8 Q Because they have a different weight?  
9 There's more weight given -- it just takes more --

10 A Right.

11 Q -- to educate a kindergartener than a high  
12 school student?

13 A Correct.

14 Q And then from that money, then use a  
15 different ratio to get the number of teachers based  
16 on how many students you can have in a class for  
17 that group; is that correct?

18 A So I don't know that a ratio of teachers  
19 is the same or -- I think the ratio of teachers is  
20 what drives that weight. I think that's -- so when  
21 you -- I think you got to flip it, I think is what  
22 -- so when they come up with a formula, the first  
23 thing they did was establish the weight, the weight  
24 -- the ratios. So they said you may need -- I think  
25 for kindergarten is one teacher for every 6.5

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1 students, or something like that. I think that's  
2 the number, or maybe it's a little higher.

3 But I think that's the weight. Then they  
4 -- they kind of came up with those ratios and then  
5 applied it -- applied it to, to the teacher salary.  
6 So to calculate how much it would, it would cost.

7 So, yeah, I think it's, it's tied -- they  
8 were tied together. I don't think they're separate.

9 Q Okay. Okay.

10 Part way down this chart it has "QBE  
11 Formula Earnings." It's kind of about  
12 three-quarters of the way down.

13 A Uh-huh. (Affirmative.)

14 Q That's one of the ones that's cut off on  
15 mine. I just want to confirm that is the sum of the  
16 direct instructional costs and the indirect costs?

17 A Yes.

18 Q And then they're categorical grants. You  
19 mentioned them before.

20 What, for instance, is the transportation?  
21 Why is transportation a categorical grant item?

22 A It just always -- basically that's funding  
23 for, for bus purchases, and that's just how it's  
24 been handled.

25 Q So LEAs are responsible for paying the

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1 drivers and things, but the State buys the capital  
2 expenses for the buses?

3 A I think it's fair to say it pays a portion  
4 of both costs. So, yeah. The money that we send  
5 out is for both.

6 Q Then -- so the total earnings for QBE,  
7 which is a few lines below that, is that the QBE  
8 formula earnings plus the categorical grants?

9 A What are you looking at? I'm sorry.

10 Q So under categorical grants there's a  
11 couple of examples, there's transportation,  
12 sparsity, and nursing, and then it says, "Total  
13 Earnings for Quality Basic Education." I just want  
14 to make sure I understand that is the sum of the QBE  
15 formula earnings plus the categorical grants?

16 A Yes.

17 Q And then there's the equalization, which  
18 we talked about before, and adding that in gives you  
19 the total state funding on this allotment sheet; is  
20 that correct?

21 A Yes.

22 Q I'm just confirming because with the  
23 numbers missing, I can't see that they add up, but  
24 I'm assuming they add up.

25 A Yes.

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1 Q And then -- then there's nothing in the  
2 columns below that in the QBE Earnings but then  
3 there are some items in the State Funds column, the  
4 Charter, the Military. Why are they in the State  
5 Funds column but not the QBE column?

6 A Because they're not.

7 Well, the Charter Commission Admin, that's  
8 an admin fee. I'm sorry. The Charter Commission  
9 Admin, that's an admin fee, that minus 7 million.

10 The Military Counselors, that's just an  
11 additional grant. I think it just made more sense  
12 not to list it as QBE earnings.

13 The Local Charter Supplement, again,  
14 that's not -- it's a separate grant outside of QBE.

15 And the State Commission Charter  
16 Supplement -- so they just make more sense not to  
17 call them QBE earnings.

18 Q So which of the totals that we just  
19 discussed, because there are couple of different  
20 ways they're phrased, which one would be the one  
21 that's used to calculate the LEA allocations?

22 A All of them. These are all going out to  
23 the LEAs.

24 Everything on this sheet is going out to  
25 LEAs. So the total that we would currently send

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1 out, based on this sheet, is 10 billion, that final  
2 number. Total funding on this allotment sheet,  
3 10,358,525, whatever the last three numbers are.

4 Q So that's what you use to figure out how  
5 much each LEA gets?

6 A Right.

7 Q So even though that takes away the five  
8 mill, that's not taken away proportionally? It's  
9 just -- the total is calculated and then that's  
10 distributed?

11 A Well, all of this stuff is taken away  
12 proportionally. This is just for the State as a  
13 whole.

14 Q Okay.

15 A Like we publish a sheet for this, for  
16 every LEA. So you can see every LEA, what their  
17 sheet -- what their individual numbers look like.

18 Q I see. So it's not this is taken and then  
19 divided up; it's the numbers for each LEA are  
20 entered into their own allotment sheet --

21 A Right, and this is the sum --

22 Q -- and then summed up for this?

23 A Yes.

24 Q Understood. Thank you. That's helpful.

25 Can you -- this is just a minor thing, but

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1 can you tell me why there are all these zeros in the  
2 middle grade six through eight row?

3 A Oh. We don't use that program anymore.  
4 We don't use that QBE category anymore. That was a  
5 recommendation -- basically a decision by the  
6 governors -- the previous governors and the current  
7 governor and the legislature not to fund that  
8 category. Basically, all those middle students, we  
9 put them in the middle grade -- middle school  
10 program.

11 Q So they had previously been separate  
12 middle grade and middle school programs --

13 A Right.

14 Q -- and they got unified?

15 A Right.

16 MS. HERNANDEZ: Can we take a two-minute  
17 break?

18 MS. TAYLOE: Sure.

19 THE VIDEOGRAPHER: Off the record at 11:54  
20 a.m.

21 (A recess was taken.)

22 THE VIDEOGRAPHER: Back on the record at  
23 11:58 a.m.

24 BY MS. TAYLOE:

25 Q Under that little -- a few lines under

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1 that, there's five categories of students with  
2 disabilities.

3 Can you tell me why there are five rows  
4 for that?

5 A You know, I don't know the -- I don't know  
6 the distinctions. I just know those are different  
7 QBE categories for, for -- you say five -- or six?  
8 No, five, I'm sorry.

9 Q Do you know who defined the categories?

10 A No. I mean I know it's defined in Georgia  
11 Code, but I don't know who defined them, no.

12 Q Just to be clear, this QBE spreadsheet  
13 does not include any funding for GNETS?

14 A No.

15 Q Because that's on a separate grant system?

16 A Correct.

17 Q Then I want to -- well, as we discussed,  
18 each LEA receives an allotment sheet like this that  
19 has the same terms and same definitions for all the  
20 columns and row headings?

21 A Yes.

22 Q Then I'm going to skip to -- I have  
23 another document that I got from the website. It's  
24 called "Weights for FTE Funding Formula," which I  
25 think is the one you were referring to?

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1 A Yes.

2 Q If we can pull that up, that may help us  
3 clear my understanding of the things we've been  
4 discussing.

5 (Witness reviews exhibit.)

6 Q Is this the document you were referring to  
7 earlier when you were talking about --

8 A Yes.

9 Q So is it correct this sheet sets forth --  
10 I was using the terms "ratios" and "multipliers" for  
11 different categories of students for calculating the  
12 QBE funding. Did I -- how to ask that.

13 So let's just walk through it.

14 The teacher/student ratio in the first row  
15 under Category, I assume that is what it sounds  
16 like, this is what we talked about, the number of  
17 students per -- that generates a teacher under the  
18 earnings formula?

19 A Yes. The very first row, yes.

20 Q So in this instance, if you had a larger  
21 number of students --

22 MS. TAYLOE: I'm sorry. Let me rephrase  
23 that.

24 BY MS. TAYLOE:

25 Q You would get more teachers under the

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1 formula for kindergartners than you would for upper  
2 elementary under this ratio?

3 A Kindergarten versus -- yes.

4 Q And then what is the row below it that  
5 says "Weight"? What does that mean?

6 A That is how much more in overall funding  
7 it gets compared to that base weight for high school  
8 students.

9 So a kindergarten student basically costs,  
10 say, 67 percent more, 67.73 percent more than a high  
11 school student.

12 Q I understood that to mean that that was a  
13 multiplier that was used to the FTE count and then  
14 applied to the teacher/student ratio. Is that not  
15 correct?

16 A This, this is a calculation, that weight  
17 -- so I apologize. I'm so used to thinking of it in  
18 terms of the spreadsheet.

19 So we calculate it based on the  
20 definitions that are defined. So I'm looking at it  
21 like, you know, 15 students. So how many ever  
22 students divided by 15 is how many teachers you get.  
23 That's how many teachers we're funding.

24 Then you see for the age, parapro, 118,  
25 counselors one to 450.

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1                   So those are the definitions that we're  
2     defining. And I think overall, once you calculate  
3     all of those, the weight comes up to that -- this  
4     amount.

5                   Let me see if that makes sense based on --

6           Q     Let me point you to -- so for kindergarten  
7     early intervention the ratio is 11, and also for  
8     primary grades early intervention the ratio is 11,  
9     but the weight is different. So I don't think it's  
10    just --

11          A     Okay. I would need to look at  
12    spreadsheets to make sure because I'm just so used  
13    to looking at it that way.

14                  Now, some of them change over time, you  
15    know, just because the inputs change, but -- if it's  
16    okay, can I look at a spreadsheet and come back to  
17    that?

18          Q     I'm not even sure -- I was trying to make  
19    sure I understood it. I'm not sure it's that  
20    specifically important for our purposes. Just  
21    enough to say that the FTE formula -- I'm sorry.  
22    The FTE number is used, according to this chart, to  
23    generate the FTE earnings, which generates the  
24    number of teachers allotted either for the LEA or  
25    for the school?

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1 A Right.

2 Q That's correct, okay.

3 And who sets these teacher/student ratios?

4 A It's set in code, Georgia Code.

5 Q And the weights, are these weights also in  
6 the code?

7 A Yes.

8 Q And so they're updated periodically by the  
9 legislature?

10 A Yes.

11 Q So I'd like to flip through a couple of  
12 pages.

13 I'm sorry. On Page 3, it says -- the  
14 categories across the top are the Special Education  
15 categories?

16 A Yeah.

17 Q And the ratios there for -- for instance,  
18 a social worker, for a special education category  
19 three, which contains EBD students, is one and then  
20 there's a colon 2475. Does that mean the funding  
21 formula generates one psychologist for every 2,475  
22 students?

23 A Yes.

24 Q And that's actually the same number for  
25 all the special education students; is that correct?

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1 A Yes.

2 Q And the same for social workers, one  
3 social worker for every 2,475 students in special  
4 ed?

5 A Yes.

6 Q So this chart includes -- there are  
7 multipliers and ratios for gifted students and  
8 students needing remedial education as well; is that  
9 correct?

10 A Yes.

11 Q And those are all part of the QBE formula?

12 A Yes.

13 Q And students in alternative education  
14 program are included in here as well?

15 A Yes.

16 Q And ESOL, does that stand for English for  
17 Speakers of Other Languages?

18 A Yes.

19 Q That's included in this as well?

20 A Yes.

21 Q I think we're done with that document  
22 then.

23 MS. TAYLOE: I'd like to mark as Exhibit  
24 750, Plaintiff's Exhibit 750, GA00007217.

25 (WHEREUPON, Plaintiff's Exhibit-750 was

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1 marked for identification.)

2 BY MS. TAYLOE:

3 Q This is an April 5, 2019 email from John  
4 White to DOE users and attaching an All DOE Update  
5 Webinar on education-related legislation held the  
6 same day.

7 I have a few questions about this to do  
8 some more with process clarification and definitions  
9 and things.

10 First, who is John White?

11 A He's an employee at the Department of  
12 Education. I don't know his specific title but I  
13 know he works in Federal Programs.

14 Q Okay. And do you receive emails that are  
15 sent to DOE Users?

16 A I believe so, yes. I think so.

17 Q And the email says: "Thank you for  
18 attending our webinar today," and attaches a  
19 PowerPoint.

20 Did you attend the webinar?

21 A I don't recall.

22 Q Do you want to take a minute to look over  
23 it because I'm going to ask you some questions about  
24 what's in it?

25 (Witness reviews exhibit.)

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1 A Okay.

2 Q After reviewing it, does that help you  
3 remember whether or not you attended the webinar?

4 A No. No -- yes -- I mean I'm -- maybe I  
5 went or maybe I just tried the information. So I  
6 don't know.

7 Q Is this the kind of -- is this kind of  
8 update given every year?

9 A In some form or another, yes.

10 Q And at what point is this summary  
11 prepared?

12 A Well, it's, you know, by the Governor -- I  
13 mean the superintendent's office. So whatever  
14 session is up, and, you know, it's kind of on their  
15 schedule, so. Because this is --

16 Q But usually pretty close to after the end  
17 of the legislative session?

18 A Yes.

19 Q And for what purpose?

20 A Just to let staff know what was happening  
21 in the world of DOE, or the world of education. You  
22 know, the State. Any changes.

23 Q Then looking at the third page, because  
24 the numbers -- so the production number ends with  
25 7221.

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1 A 7221, okay.

2 Q Is it correct this is just an overview of  
3 the general process and timeline, and after that the  
4 next few pages are a list of education-related bills  
5 from the past session?

6 A That's my understanding of it.

7 Q Then on page, starting on 7226, it starts  
8 with the education appropriations bill?

9 A Yes.

10 Q Then the next two pages show the increase  
11 in funding for education over the last 10 years. Is  
12 that from the appropriations bills like the one we  
13 just reviewed?

14 A Yes.

15 Q And if there had been changes in the  
16 federal amounts, since that was estimated, would  
17 those be reflected in these summaries?

18 A No. This is all state funds.

19 Q Okay.

20 A Well, I mean, the most recent few years --  
21 let me be clear. The most recent years are all  
22 state funds. So I'm assuming this is all state  
23 funds. I know the 10 states, that was state -- and  
24 9 -- so, yeah.

25 Q And the appropriations over the last 10

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1 years ranged from just under seven billion in fiscal  
2 year '11 and '12 to over 10.6 billion in fiscal year  
3 '20. Is that correct?

4 A To my understanding, yes.

5 Q That's what this summary puts forth?

6 A Yeah, yeah. I mean I don't -- I would  
7 want to go look at the bills myself and verify, but  
8 I'm assuming that's what John did, yes.

9 Q And then the next page says Funding by  
10 Type, and I'm curious here, would GNETS be in this  
11 chart by grant or by program?

12 A It would be in grants.

13 Q Okay.

14 A That's my assumption but I don't know for  
15 sure, but I'm assuming it would be grants.

16 Q Because in your office you use it in terms  
17 of the grants? That's how it's funded?

18 A Correct. Yeah, where -- so how we're  
19 dividing this, at least to my understanding of how  
20 this chart is being broken out is what we send out  
21 for QBE, what we send out to local education  
22 agencies via grants, and then what's left over,  
23 which is Program Admin and State Schools.

24 Q So it's program administrative costs?  
25 It's not some kind of educational program?

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1 A No. It's the admin.

2 Q Okay.

3 A You see it's titled .79 percent --  
4 actually, I think that's the State Schools is .79  
5 percent. I think the .33 is --

6 Q That's what I was going to ask next  
7 because I can't tell from the shading here.

8 So the program is the .33?

9 A Well, I don't, I don't -- I can't.

10 Q Well, so the Program and the State Schools  
11 are the smallest ones?

12 A Yes. As much as I can tell you.

13 Q That's fine.

14 Then the 8.35 percent shaded one is  
15 Grants?

16 A Uh-hum. (Affirmative.)

17 Q And the 90 percent plus one is QBE?

18 A That's correct.

19 Q What other kinds of things are funded  
20 through the grants besides GNETS?

21 A The -- you know, our, our -- our CTAE  
22 grant, the ones we discussed earlier.

23 The Preschool Disabilities Services grant.

24 Q So all the ones we've talked about on that  
25 division of grant responsibility list?

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1 A Right. The title -- all that stuff.

2 Q I'm going to skip a couple of pages to the  
3 one that ends 7232, is reference to Communities in  
4 Schools.

5 What is that?

6 A 7322? It is a grant that goes out, and  
7 that is the extent of my knowledge with it.

8 Every year I load, I load the budget, and  
9 forget about it, basically. So I could get more  
10 information, but all I know it's a grant that goes  
11 out. I don't know exactly what for.

12 I think I looked at a board item but, you  
13 know, I can't recall exactly what it says its  
14 purpose is.

15 Q Okay. And then on the next page it  
16 discusses, in the second bullet, a pilot program to  
17 evaluate the effectiveness of the program. Can you  
18 tell me what that means?

19 A No, I don't know. I wasn't involved with  
20 that.

21 Q Does GaDOE have the authority to review  
22 programs that it grants to determine whether they're  
23 being effective?

24 MS. HERNANDEZ: Objection.

25 A Yeah, I don't, I don't know. I mean I --

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1 I mean I think they're charged by the legislature,  
2 but again I don't know anything about this.

3 Q Okay. Then on the next page there's a  
4 couple of entries on GNETS reductions in funding.  
5 Can you just explain this?

6 I don't understand the parentheses inside  
7 parentheses and what's being offset.

8 A So I believe it was -- and this is just  
9 from reading this. I'd have to look at the  
10 appropriations bill, but I believe the overall  
11 reduction was 3.5 million, and that the two pieces  
12 that went into that was a \$4.8 million decline based  
13 on student counts and, and -- well, based on student  
14 counts and T&E changes, I'm assuming, but they don't  
15 say that here. Then we added in 1.3 million for,  
16 for behavioral and therapeutic service contract.

17 So the negative 4.8 plus the positive 1.3  
18 equals the 3.5.

19 Q So are these behavioral service -- I'm  
20 sorry. Behavioral and therapeutic services  
21 contracts in addition to the regular grant funding?

22 A Yes. Well, they're separate, yes.

23 Q Are contracts generally accounted for  
24 differently than grants?

25 A I'm sorry, what do you mean?

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1 Q If there's a contract with a service  
2 provider, is that paid through the grant or it is  
3 paid separately, or does it depend on who entered in  
4 the contract?

5 A So with these contracts in particular they  
6 will be paid for at DOE. So, so we -- GaDOE would  
7 be paying for this.

8 So if an LEA enters into a contract, we  
9 won't see that. That's LEA's spending. It would  
10 just be an allocation to them.

11 But, yeah, this is GaDOE contracts.

12 Q Do you know what the GaDOE contract is  
13 for?

14 A I, I -- I've looked at them, but I would  
15 defer to Vickie Cleveland. She's expert on that.

16 Q And for the record, who is Vickie  
17 Cleveland?

18 A The GNETS program manager.

19 Q But it says redirected for existing  
20 behavioral and therapeutic services contracts.

21 Do you understand where they're being  
22 redirected from?

23 A I don't understand the language, no.

24 Q But we know it's a -- Georgia Department  
25 of Education is paying 1.2 plus million --

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1 A That's the budget.

2 Q -- dollars for those service contracts?

3 A Yes. I'm sorry, I didn't mean to -- but  
4 that was the budget.

5 So I don't know if that actually was the  
6 amount that was spent that year but that was the  
7 budget.

8 Q Then on the next page I have a question  
9 why -- it says non-QBE formula grants on that page.  
10 But GNETS is also a non-QBE formula grant, correct?

11 A Correct. This is a budget. So if you're  
12 looking at a budget document or any of them, there's  
13 a budget that says non-QBE formula grants. So GNETS  
14 has its own program.

15 This one is for the sparsity and the  
16 residential treatment facilities grant. So it's a  
17 program designation, not -- just a specific program  
18 designation, not a general catch-all.

19 Q So the programs are the sparsity and  
20 residential facility grants?

21 A No. The program is non-Quality Based  
22 Education formula grants. It just incorporates  
23 sparsity and residential treatment facility grants.  
24 The program name, specific name is non-Quality Basic  
25 Education formula grants.

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1 Q But GNETS is not part of that program?

2 A Right. GNETS is its own program.

3 Q Thank you. So I think we've kind of  
4 covered appropriations, and now I want to talk about  
5 what happens after that once we've got all the  
6 appropriations that we've just gone through.

7 Can you describe the process in your  
8 office after appropriated money has been set?

9 A Yeah. It's relatively simple. I mean so  
10 after the appropriations process is finished, the  
11 legislators pass the bills, the Governor has signed  
12 it. What I'll do is usually reach out to the, the  
13 legislative budget office, the House and the Senate,  
14 and ask them for their worksheets basically so I can  
15 see the detail in the numbers that, that show up in  
16 the appropriations document.

17 And then I'll just incorporate those  
18 changes into -- well, I basically take their  
19 document and incorporate it into my worksheet so  
20 I'll make sure that I'm matching legislative intent.

21 And then once we do that, sometimes  
22 there's money in there that hasn't been specifically  
23 allocated for something, and so what we've done with  
24 that in the past is either it goes under contracts  
25 or we just increase it -- well, more likely is

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1 increase the allocations that go out to the  
2 districts.

3 But that's something I would do in  
4 consultation with the GNETS program manager. She'll  
5 kind of let me know if she needs contracts or we're  
6 just going to send it out in allocations.

7 And then I'll work with them on  
8 calculating those allocations, getting the  
9 spreadsheet, and updating the federal funds portion  
10 of it. Then we basically take it to the Board.

11 So that's the process.

12 Q Okay. When you talk about the worksheet  
13 and making sure you're matching legislative intent,  
14 does that mean any updates to the formula that might  
15 have been included?

16 A Right. They're not going to tell -- I  
17 mean budget offices don't usually tell you -- like  
18 the Governor isn't going to tell us beforehand if  
19 he's proposing a salary increase or, you know,  
20 something else that may change the inputs in the  
21 formula.

22 So sometimes they make changes and you  
23 don't know what that change is without seeing what  
24 they did in the spreadsheet because they calculate  
25 it -- they have a spreadsheet that calculates it,

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1 too, so.

2 Q So do they send you a spreadsheet with the  
3 changes and you put in this year's numbers, or do  
4 they send you some information that you use to  
5 update the spreadsheet formula calculator?

6 A No. They usually will send the actual  
7 spreadsheets. I mean it's just a worksheet, so they  
8 don't -- you know, they always say don't share this  
9 or anything, but they'll send their worksheet that  
10 drove the final number that you see in the  
11 appropriations bill.

12 Q So if somebody had changed, for instance,  
13 the weight of something or a ratio somewhere, it  
14 will already be in the spreadsheet when it comes to  
15 you?

16 A Hopefully, yes.

17 Q But that's why you say you check to make  
18 sure that you're matching --

19 A Yes, yes.

20 Q -- your numbers match their numbers?

21 A Yeah. Because I want to see -- I want to  
22 see if they -- you know, basically if they -- if  
23 they've done something different than or they've  
24 incorporated something different in their numbers,  
25 because the number might come out the same, but they

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1 might say instead of sending this to allocations, do  
2 5 million for this or for contracts. Or instead of  
3 doing contracts, do more in allocation.

4 Q I see. I see. Okay.

5 And you said you -- I can't remember your  
6 word, I don't want to mischaracterize it, but you  
7 consult with the State Board of Education or run it  
8 by the State Board of Education at that point? What  
9 is the State Board's --

10 A Also -- so once we, once we have it -- the  
11 final -- all the numbers and once we have a budget  
12 for it, which is what Vickie, you know, Vickie and  
13 her supervisors will come up with, like a budget for  
14 that amount, like let's say it's 60 million and  
15 we've got to say how much for allocation, how much  
16 for contracts, how much for her staff, her salary.  
17 You know, once we allocated all that, that amount,  
18 we've got to get that approved, particularly the  
19 piece that goes out to the LEAs.

20 So you've got to get that approved, and  
21 that approval comes from the State Board. So we'll  
22 take it to the Board once we have it. You know,  
23 there's a process for that. But, but she'll take it  
24 to the Board.

25 Q Okay, that's good.

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1           And at what point -- at what point do the  
2       fiscal agents learn what their allocation amount is  
3       going to be?

4           A       Well, they're asking all throughout the  
5       process. So we, we -- sometimes we give them off  
6       the record estimates based on the Governor's rec,  
7       but because the numbers have been changing so much  
8       lately, we've kind of stopped doing that because  
9       nobody likes to hear they're going to get a number  
10      and it goes down.

11                 So we kind of stopped -- try, try to  
12      weight until we go through the whole process. So,  
13      you know, once we -- once we get through the, the --  
14      once the final bill is signed off, once we get  
15      through session, signing and all of that, we can  
16      kind of come up with an estimate real quick and send  
17      that out. But usually that's a few questions to be  
18      answered before that.

19           Q       And you said before, am I correct in  
20      remembering, that would be -- I'm sorry, when would  
21      that be?

22           A       Oh, like I said, it varies. You know,  
23      like I mean it's -- because this is going to be part  
24      of the big budget. So that's usually, like I say,  
25      the last document that's signed. So, you know,

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1 you're talking -- we've had sometimes -- their goal  
2 is always -- the goal was always to get done before  
3 Master's week. So good, good year we're done before  
4 the 1st of April. Certainly before -- when Easter  
5 -- anyway, around that time, April.

6 But it can go later if things are -- they  
7 need more time.

8 Q I'm sorry. That's when the -- I thought  
9 that was when the legislation was done. When have  
10 the allocations been approved by the State Board of  
11 Education?

12 A Oh, I'm sorry. I thought you -- I'm  
13 sorry. Usually they don't take that until June, the  
14 June or July board meeting. So it's always either  
15 one of those two board meetings. So the board  
16 meetings are usually at the end of the month, the  
17 June or July board meeting.

18 Q So then the fiscal agents won't receive  
19 their estimated allocation until early July or early  
20 August?

21 A No, no. They will -- when it goes to the  
22 Board, that's final -- it's finalized at that point.  
23 So I'm saying like Vickie will -- we can give them  
24 an estimate as soon as -- as soon as session is over  
25 with. We can tell them offline, you know, this is

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1 what we're looking at, these are the numbers that  
2 we're looking at.

3 Like when it goes to the Board, that's the  
4 final process for them because that gives them --  
5 the process is start spending.

6 Q So it's final at least as to the state  
7 funds?

8 A Right.

9 Q And so they would get that information in  
10 early July or early August?

11 A No. They would get that -- they would  
12 have that July 1, they would know what their budget  
13 is.

14 Q I'm sorry. Help me figure out. Because  
15 you said it goes to the State Board of Education in  
16 the June or July meeting, which is at the end of the  
17 month.

18 A Yeah, and I think it's pretty much always  
19 -- I think there's been a rare exception where it  
20 goes to July. So I think it's always pretty much  
21 June when they've taken it.

22 So, yeah, let me be clear, I think it's --  
23 think there's only been one time where they had to  
24 take it to July and I think it was because we had to  
25 take it back for some reason. But I think, I think

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1 -- most of the time it's June.

2 And so they know beginning July 1, and  
3 again because it's reimbursement-base, you know,  
4 they have an idea but they're not submitting  
5 requests right away. So it's not as -- I don't  
6 know. It's not as urgent for them, or at least they  
7 don't make it seem that way.

8 Q But they presumably would have hired their  
9 staff by then, correct?

10 A Yeah. They have an idea, general idea. I  
11 mean before that. I guess that's what I was trying  
12 to convey. Once the session is over with, we can  
13 kind of give them an idea of what their numbers --  
14 what their budget is going to look like, so, you  
15 know, they're not completely blind going into June,  
16 July.

17 But -- but, yeah.

18 MS. TAYLOE: I think now might be a good  
19 break. We're going to talk about the formulas  
20 next and that might be a good chunk.

21 Lunch all right?

22 (Discussion ensued off the record.)

23 MS. TAYLOE: I'll start on the funding  
24 formula and then we can take a break.

25

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1 BY MS. TAYLOE:

2 Q So when we looked at the QBE formula --  
3 I'm sorry -- the QBE allotment sheet before, you  
4 confirmed GNETS funds were not included in that  
5 because it's a separate -- by a separate grant.

6 Can you please describe the GNETS funding  
7 for me, though?

8 A Yeah. So it's a separate funding formula.  
9 It in some ways look similar to GNETS -- I mean to  
10 QBE, but there's some -- several distinctions.

11 The way the student funding count is  
12 calculated is different. So the way the student  
13 count that you see in the funding formula, that's  
14 calculated a little bit differently. And the ratios  
15 don't tie exactly to any category that you see in  
16 QBE. It comes close to the Special Ed Category 3, I  
17 believe, or Category 4, one of those, but it's not  
18 exactly that either, so. But it's the same  
19 principal where, you know, the teacher funding is --  
20 the teacher salary is what influences the direct  
21 instruction money that they earn, and then they  
22 receive indirect instruction based on -- but again  
23 that's based on teacher salary, too, but that's  
24 based on, like I said, the directors and the -- I  
25 want to say psychologists and what-not, social

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1 workers.

2 But, yeah, so it mirrors QBE in that part  
3 of the funding that's determined by student counts,  
4 the instructional piece, and then there's a part of  
5 the funding that's determined by teacher training  
6 and experience. So, you know, based on T&E they'll  
7 get additional funding.

8 And then there's a final piece of the  
9 federal funding, which, like I said, the Federal  
10 Programs staff kind of determines how much they want  
11 to add to it or how they -- they have to set up a  
12 formula, at least that's my understanding, to, to  
13 determine how much goes to the districts.

14 So, yeah, I mean that's basically the high  
15 level. So I mean if you want to delve into  
16 something or...

17 Q Yeah. Before we go into the specifics,  
18 though, you mentioned indirect staff. Given the  
19 purposes of GNETS, are there more indirect staff or  
20 different ratios for the psychologists or social  
21 workers or any other indirect staff that might be  
22 included?

23 A I don't have the spreadsheet in front of  
24 me, so I don't know if it -- you know, if it's  
25 drastically different.

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1 Q I think I have one here that we can look  
2 at then.

3 A Okay, yeah.

4 Q And do you -- I don't think I asked you  
5 this when we talked about the lawsuit.

6 What is your understanding of the purpose  
7 of the GNETS program?

8 A My understanding of the purpose of the  
9 GNETS program -- again, I don't -- I'm not an expert  
10 on it, so I don't know much, but my rough  
11 understanding is that -- you know, that these are  
12 kids -- you know, a lot of these are kids who have,  
13 you know, severe needs, and I think the lawsuit is  
14 basically a disagreement on what's the best way to  
15 handle these kids, you know, that population. Like  
16 how are we -- are we best serving them by, you know,  
17 kind of moving them to the side or, or leaving them  
18 in the traditional setting that hasn't -- that  
19 hasn't worked for them.

20 So I mean that's my understanding. It's  
21 just, you know, ideas that I -- a question that I  
22 don't know I'm qualified to answer.

23 Q Just to clarify, when you said severe  
24 needs, do you have an understanding of particular  
25 type of needs?

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1           A       Well, I think it's a combination of  
2 behavioral problem. I mean I think it's -- I  
3 thought it was more so when they talked about it,  
4 they stress behavioral problems, meaning, you know,  
5 fighting and, you know, just that type of -- that's,  
6 that's what's been brought up to me, but I don't  
7 know if that's the main criteria for the kids, but  
8 that's -- that they just don't respond well to  
9 authority.

10                   Because, again, that's all I know, and  
11 that's --

12           Q       Okay. I'm not -- I'm just curious about  
13 what your view on it, not making you be a lawyer for  
14 it.

15           A       Yeah.

16                   MS. TAYLOE: I would like to introduce as  
17 document number -- Plaintiff's Exhibit 752  
18 GA00914269.

19                   (Discussion ensued off the record.)

20                   MS. TAYLOE: It's 751. You're right.

21                   (WHEREUPON, Plaintiff's Exhibit-751 was  
22 marked for identification.)

23 BY MS. TAYLOE:

24           Q       This is a July 2020 email from you to  
25 Leigh Ann Putman.

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1                   Could you tell me who Leigh Ann Putman is?

2           A       I don't remember.

3           Q       I'll give you a minute once the document  
4 is up to review it.

5                   (Witness reviews exhibit.)

6           A       Okay.

7           Q       Does this help you remember who Leigh Ann  
8 Putman is?

9           A       Well, I don't remember her specifically  
10 but I do remember the issue, or what was happening  
11 here.

12          Q       Okay. What was the issue?

13          A       I think they were moving students from one  
14 GNETS facility to another, and so they wanted the  
15 funding associated with those students to be moved,  
16 and so they asked me to calculate how much that  
17 would -- what that would be.

18          Q       Okay. And you made reference to a  
19 three-year weighted average used to determine the  
20 funding student count.

21                   Is this what you were referencing when you  
22 gave a summary of it, that the student count is  
23 different?

24          A       Yes.

25          Q       Can you explain the three-year weighted

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1 average, please?

2 A So in GNETS, we don't use -- they don't --  
3 well, I think they do have FTEs. But we don't use  
4 the FTE count to determine their funding formula.  
5 What we use is called Student Record, which is  
6 basically a record of all the students who been at  
7 each GNETS facility throughout the year. So that's  
8 gathered at the end of the year. Obviously, we have  
9 to close the year out to see who all has been there.

10 So we'll take that for each year and  
11 calculate it.

12 Q When you say at the end of the year who  
13 the students who have been there, does that mean  
14 it's like a point in time at the end of the year, or  
15 a total of all the students who had been there at  
16 any point during the year?

17 A Right. It's, it's, yeah, a total of every  
18 unique GTID who has been at that GNETS center. So  
19 if they were there for just a day, they were in that  
20 count. If they were there, you know.

21 Q And you said center, but is that also true  
22 for the GNETS classrooms? Are you familiar with  
23 GNETS classrooms?

24 A No.

25 Q When I use these terms, GNETS centers are

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1 where students are receiving GNETS services in a  
2 standalone place where only GNETS students are  
3 served, and GNETS classrooms are in a classroom with  
4 only GNETS students but they're in a general  
5 education school building so that other students  
6 might be in the building there, too?

7 A Okay.

8 Q Do you know if the student count includes  
9 students in GNETS classrooms?

10 A I'm not sure. Yeah, I'm not sure. I  
11 think it might, but I'm not sure.

12 Q And then what is the, the three-year  
13 weighted average aspect of that? What's done with  
14 that count?

15 A That's how we determine how much -- how  
16 many students to fund in GNETS. So it's the funding  
17 counts.

18 Q So this formula has -- for instance, you  
19 take the count from fiscal year '19 and weight it at  
20 50 percent, and the count from fiscal year '18 and  
21 weight it at 25 percent, and the count from fiscal  
22 year 2000 -- fiscal year '17 and weight that at 25  
23 percent, to get the three-year weighted average. Is  
24 that correct?

25 A That's correct.

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1 Q Why is that formula used?

2 A Well, I think it was an effort to make it  
3 clearer and more -- yeah, clearer and more  
4 transparent.

5 The old formula was basically a rolling  
6 average, and there just was no way to kind of audit  
7 it, I guess, and just -- we didn't like that one, so  
8 -- not didn't like it. I think the programs have  
9 wanted to make something clearer.

10 And so I think they asked to change it or  
11 asked to update it. I don't know.

12 Q So, so this is the updated formula?

13 A Yes.

14 Q When was the formula changed?

15 A I don't remember exactly. I want to say  
16 maybe '15 or '16. But I don't know.

17 Q When you say the old formula was a  
18 weighted average, how is that different -- this is a  
19 weighted average, too, isn't it? Was it different  
20 weights?

21 A No. It was a -- so the old formula took  
22 -- you took the weighted average from the previous  
23 year and added it to -- and then averaged it with  
24 the new year. I think that was how it worked.

25 So you took the funding count that you

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1 used in the previous year and then take the new  
2 year's count and then do an average that.

3 So basically you were always using the  
4 count that you used -- the final count that you used  
5 for the prior year. So there was no way to get  
6 back -- you have to go back to the beginning of time  
7 to come up with the original number because you're  
8 always using the funding count that was used in the  
9 prior year's funding formula.

10 Q So the old formula used a funding number  
11 -- a student count from the prior year and the  
12 current year?

13 A No. It used, it used the funding count  
14 that was used to come up with the current year's  
15 budget, and then it averaged it with the current  
16 year's budget to come up with a new one.

17 Q Oh. Oh, oh, oh. So the funding count for  
18 the previous year's budget was already an average of  
19 all the prior years?

20 A Yes.

21 Q And now you're adding in a new --

22 A Right.

23 Q -- one more data point into an already  
24 average?

25 A Yeah.

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1 Q I see. So this is now cutting it off.  
2 It's all going back three years instead of averaging  
3 historically everything?

4 A Yeah.

5 Q Thank you. I didn't understand that  
6 before. Okay.

7 So why is this formula used at all? I  
8 understand now the history of it, but why is this  
9 formula used instead of FTE count?

10 MS. HERNANDEZ: Objection.

11 Go ahead.

12 A I don't know. I think it's a, it's a --  
13 can you repeat the question? I just want to make  
14 sure on what you're --

15 Q Why is this rolling average, or this  
16 three-year weighted average used instead of the FTE  
17 count?

18 MS. HERNANDEZ: Objection.

19 A Well, one, they don't have --

20 MS. HERNANDEZ: Same objection.

21 Sorry. Go ahead.

22 A They don't have the FTE count for this. I  
23 think it was because this population is -- it's a  
24 harder population to get.

25 So like one FTE is a point in time. Like

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1 this population, you know, you just -- you can't --  
2 I mean it was just, it was just understood that it  
3 would be harder to just use one year, one day's  
4 worth of data to come up with it. Just felt like  
5 that wouldn't be an accurate representation of the  
6 number of students they served.

7 And so that, and then the three-year count  
8 is that, you know, you want it to have some trend  
9 data. You don't want it to be big shocks to the  
10 system. You don't want any big shocks. You want  
11 them to be able to plan for fluctuations.

12 So I would say just because the student  
13 population, they fluctuate a lot.

14 Q Do you know who decided to use this  
15 rolling average?

16 A I don't know exactly, but the Federal  
17 Programs staff.

18 Q The Federal Programs staff decided the  
19 GNETS formula count?

20 A Well, the GNETS program -- I mean -- I say  
21 the Federal Programs staff, but the GNETS program  
22 staff. So I believe Vickie was at the time, and  
23 then whoever her supervisor was at the time. I  
24 don't know if it was Nakeba at the time or Debbie  
25 Gay. Just -- but, at the end on up, their

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1 supervisors, so.

2 Q So it sounds like -- do you have an idea  
3 about when this formula may have been created?

4 A I mean I was at DOE when we did it. I  
5 mean I -- they asked for a three-year average. That  
6 kind of gave some -- you know, gave a little bit  
7 more weight to the last one. So that's -- I mean I  
8 think I might have come up with the suggestion of  
9 the 50/25/25, but, you know, I just proposed it. I  
10 didn't say let's do this. But they liked the idea  
11 of it, I think, and, you know, we came up with it  
12 and been using it since.

13 Q Do you know when the preceding formula was  
14 created?

15 A No. Like I said, just based on how it was  
16 calculated, I mean it had been around a long time.

17 The guy before me who did GNETS, he  
18 retired. I think he spent his whole life at DOE --  
19 or maybe not his whole life, But at least 10 to 15  
20 years doing the formula. So he, you know -- so I  
21 think it might have predated him.

22 Q What was his name?

23 A Harry Rapsher, R-A-P-S-H-E-R. I think  
24 that was it.

25 Q And in this email you say: "Each year the

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1 budget offices may use discretion regarding the most  
2 appropriate procedures to amend and allocate the  
3 State grant." Is that correct?

4 A Yes.

5 Q And how, how did you come to understand  
6 that you had that discretion?

7 A No, I don't mean me. I didn't mean my  
8 budget office. I mean the Office of Planning and  
9 Budget, the House, and the Senate.

10 Q Okay. What kind of direction did they  
11 give as to how -- what is the most appropriate way  
12 to amend and allocate the State grant?

13 A The spreadsheet. The spreadsheets that we  
14 use is basically, like I said, the legislative  
15 intent, or that's how we interpret it.

16 So if they do something different in their  
17 spreadsheet, we're going to follow it. So if they  
18 change something in that spreadsheet.

19 Just because we said something or -- they  
20 can decide they want to change the funding formula,  
21 we give them that. You know, they -- we don't set  
22 policy. We don't set that. They do.

23 Q Okay. So the only discretionary part is  
24 the -- you said there's some that's not been  
25 allocated, you can use that either for contracts or

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1 additional supplements to LEAs?

2 A Right.

3 Q Okay.

4 MS. TAYLOE: I think that's a good  
5 stopping place to stop for lunch.

6 THE VIDEOGRAPHER: We're off the record at  
7 12:57 p.m.

8 (A recess was taken.)

9 THE VIDEOGRAPHER: Back on the record at  
10 1:53 p.m.

11 MS. TAYLOE: Thank you everybody for your  
12 patience while we corrected my oversight.

13 I would like to call back up the document  
14 titled "Weights for FTE Funding Formula," as I  
15 neglected to introduce it as an exhibit, and  
16 we're going to give it an exhibit number now.

17 BY MS. TAYLOE:

18 Q Mr. Bell, is this a document we discussed  
19 before?

20 A Yes.

21 Q When I discussed this with you, I  
22 neglected to introduce it as an exhibit.

23 MS. TAYLOE: So I would now like to have  
24 that marked as Plaintiff's Exhibit No. 752.

25 (WHEREUPON, Plaintiff's Exhibit-752 was

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marked for identification.)

MS. TAYLOE: Thank you for allowing me to  
correct the record.

Next I would like to call up a document  
previously introduced as Plaintiff's Exhibit  
No. 592.

(WHEREUPON, Plaintiff's Exhibit-592 was  
marked for identification.)

(Discussion ensued off the record.)

BY MS. GARDNER:

Q I'll give you've second to review this,  
Mr. Bell, and let me know when you've had a chance.

(Witness reviews exhibit.)

MS. TUCKER: Are you able to scroll down?

THE WITNESS: No.

BY MS. TAYLOE:

Q Let me know when you've had a chance to  
look it over.

(Witness reviews exhibit.)

A Yes. I'm ready.

Q Have you seen this document before?

A I've seen the information in it before, or  
most of it, but I don't know I've seen this  
particular document.

Q Where have you seen the information in it

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1 before?

2 A In my spreadsheet. I'm sure they got it  
3 from, or most of it, from me, in conversations with  
4 me.

5 Q So do you know who prepared this document?

6 A Well, I saw from the previous email that  
7 it was Amber McCollum, but I don't -- but I don't  
8 know.

9 Q What is this document used for?

10 A I don't know how it's used. Maybe  
11 information purposes.

12 Q And you said you think they took the  
13 information from the spreadsheet?

14 MS. HERNANDEZ: Objection.

15 A Yeah, I don't know -- I mean, like I say,  
16 I don't remember exactly, but over the years we've  
17 had several conversations with them about how the  
18 formula is -- how it's calculated. So I'm assuming  
19 this would have occurred after one of those  
20 conversations.

21 Q Okay. Would you say -- if you look at the  
22 column -- I'm sorry -- the entries that say totals,  
23 can you confirm whether the information contained in  
24 this document is accurate as to how the totals are  
25 calculated?

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1           A     You mean Support Total, Formula Total,  
2     State Earned Total?

3           Q     Yes.

4           A     Support Total seems like that's right. It  
5     may be missing something. But that seems close.

6                     Formula Total -- the formula total, maybe  
7     that's how the spreadsheet is -- but I would say  
8     direct and indirect. I wouldn't just say  
9     instructional support, but maybe that's how the  
10    spreadsheet -- the wording in the spreadsheet. So I  
11    don't have a problem with that formula total.

12                    The State Earned Total, I would call that  
13    austerity. I don't -- so I wouldn't say the federal  
14    -- I mean the federal funds are subtracted from the  
15    Formula Total to determine the State Earned Total.

16                    I would say the State Earned Total is  
17    austerity subtracted from the formula totals in  
18    determining the State Earned Total, because I don't  
19    know it's always been exactly the federal funding,  
20    so. But, you know, but it has been an austerity  
21    amount.

22                    So those are the three.

23           Q     Can you explain that a little bit more? I  
24    don't understand the difference between the federal  
25    funds being subtracted and the austerity funds being

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1 subtracted.

2 A Well, there's an amount -- there's an  
3 austerity amount in the formula and -- there's an  
4 austerity amount in the formula but I don't know --  
5 it doesn't always equal the federal funding. So  
6 it's just an amount that's determined by the budget  
7 offices. So it doesn't always equal the federal  
8 funding. So I don't want to say it's the federal  
9 funds in total, because I don't even know that's  
10 their intent, is to subtract out the federal  
11 funding.

12 Q So is there always an austerity element in  
13 a budget, or just some years?

14 MS. HERNANDEZ: Objection.

15 A With GNETS, during my time there, there  
16 has been austerity pretty much every year but it's  
17 been reduced in some cases for some grants.

18 Q Is it reduced in some years by using  
19 federal funds to offset the reduction?

20 A I believe it has been used that way.  
21 Sometimes it's state funds that are used to reduce  
22 it. So, yeah, it's -- the past few years state funds  
23 have offset it. We've had additional state funds to  
24 allocate.

25 Q So with the caveat that it may be more

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1 accurate for the State Earned Total to say austerity  
2 funds instead of federal funds --

3 A Correct.

4 Q -- that would be correct?

5 A Yes.

6 Q And the description of the federal funds,  
7 you said the Federal Program people determine how  
8 much is allocated. Does this seem right to you?

9 A It does.

10 Q And the State Funds Available, is that  
11 calculation accurately reported there?

12 A State funds -- State Funds Available?

13 I don't know what that's trying to  
14 represent, honestly. These are the funds allocated  
15 based on the percentage between the amount of funds  
16 appropriated and the state earned funds. I don't --  
17 I don't know what that's really trying to say,  
18 actually.

19 Q If the amount allocated by the  
20 appropriations bill were less than the total of  
21 earned funds, would they be awarded proportionally?

22 MS. HERNANDEZ: Objection.

23 A So we always have -- or with this one,  
24 we've always asked for their worksheets to get their  
25 intent. So I -- we don't have to -- I mean in

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1 theory I guess we would reduce it if that were the  
2 case, but we always have the worksheets so we know  
3 what their intent is. So it's kind of impossible  
4 for it to be less than what they intended because --  
5 unless the worksheets have a different number than  
6 the amount that's in the appropriations bill.

7 Q So are you saying the amount allocated --  
8 sorry. The amount appropriated is never less than  
9 the earnings?

10 A No. Maybe I'm, maybe I'm thinking of it  
11 differently than what you were saying.

12 So can you repeat -- can you restate your  
13 question?

14 Q I might be using terms wrong and you can  
15 explain it the way it makes sense to you.

16 What I understood from your last answer  
17 was my previous question didn't really make sense  
18 because the amount that is earned by the formula is  
19 available through appropriations, and I was just  
20 trying to confirm that is correct?

21 A Yes. So I mean -- let me see if I can say  
22 it this way. If they say they want to appropriate,  
23 allocate 50 million, and want to send out 5 million  
24 in contracts, they're going to put 55 million in the  
25 budget. So I'm saying unless they say -- unless

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1 they give me a worksheet that says we want an  
2 allocation 50 million and 5 million in contracts but  
3 the worksheet totals 50 million instead of the 55  
4 million, which it should, you know, or at least  
5 based on the worksheet.

6 So long as it totals what they -- what  
7 their intent is, there's no way for it to be less  
8 than. But if they send a worksheet in, and then,  
9 say, at the last minute it goes to Congress  
10 Committee and the bottom is falling out the economy  
11 and we've got to cut everything 10 percent, then,  
12 yes, we will reduce everything proportionately.  
13 That will be -- that's the only way that will make  
14 sense. Does that make sense?

15 Q I think so. So because the allotment  
16 sheets are calculated based on appropriations, that  
17 anyone's earnings should always be a percentage of  
18 what is appropriated, it should never add up to more  
19 than what was appropriated?

20 A Right.

21 Q I want to go through a couple of things in  
22 this document then.

23 Where there are -- first, it says student  
24 count. It's here referred to FTE. But I want to  
25 confirm, it's not FTE, it's the student count we

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1 talked about before?

2 A Yes.

3 Q And where students are referenced in this  
4 document for purposes of staff ratios, is that also  
5 using the weighted average or the rolling average  
6 that we discussed?

7 A Yes.

8 Q And the T&I -- sorry -- T&E here is  
9 determined by CPI report. Is that what we said  
10 before, the districts report the T&E themselves? Is  
11 that the report that this comes from?

12 A Yes.

13 Q And then District Operations Cost, it says  
14 Category III funding.

15 What does that mean?

16 A So I guess it is based on the direct  
17 operation -- the direct operation cost is based on  
18 the special ed Category III. So the special  
19 education Category III that was referenced in the  
20 weights document, it is mirroring that for materials  
21 and supplies, travel, textbooks, and equipment  
22 replacement.

23 Q What numbers or ratios are used there?

24 A I don't know. I'd have to go back and  
25 look at that weight sheet. But it's whatever the

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1 Category III weights are.

2 Q So it's incorporating whatever that year's  
3 Category III weights and ratios are?

4 A Correct.

5 Q And then -- so all those things that we  
6 just listed there are direct instructional costs; is  
7 that correct?

8 A Yes -- at least -- yes.

9 Q Did direct instructional costs in the  
10 earnings sheet, the QBE earnings sheets, include  
11 educator salaries, also materials and travel and  
12 textbooks?

13 A Yes. To my knowledge, yes.

14 Q And then the next line there is FTE  
15 Support Salary. FTE Support Salary cost includes  
16 funds for supervisors, psychologists, and social  
17 workers.

18 Do you see that?

19 A Yes.

20 Q Are there any ratios or numbers included  
21 in that section?

22 A There are ratios. I don't remember  
23 specifically for the GNETS formula. They're in the  
24 formula's Excel spreadsheet.

25 Q So they're built into the spreadsheet,

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1 they're not visible on this document?

2 A Right.

3 Q Do you know what they are?

4 A Not off the top of my head.

5 Q Would we be able to calculate them in  
6 reverse by dividing numbers on the spreadsheet?

7 A Yes.

8 Q Then for Director Cost, it says, "The  
9 director cost is consistent across all programs."

10 Is that still true?

11 A Yes.

12 Q Who establishes the director's salary?

13 MS. HERNANDEZ: Objection.

14 A It's been the same number. One teacher --  
15 I think it's one teacher for -- so obviously it's  
16 not the full cost of a director, but it's been that  
17 same number since before my time.

18 Q Are you saying the director is paid a  
19 teacher's salary, and then the rest of their salary  
20 comes from somewhere else?

21 A I don't know. You'd have to ask the LEA,  
22 I mean, but that's what we fund. So maybe they are  
23 paying the teacher's salary but that's just what we  
24 fund.

25 Q I was trying to understand what you said.

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1 What does the State fund as far as the director  
2 salary?

3 A I think it's just one teacher, one  
4 teacher's salary. But let me -- actually, let me  
5 double-check on the spreadsheet, but it's just one  
6 position.

7 Q Is there a difference between cost in  
8 salary? Does cost include something besides salary?

9 A Yes. There's -- we separate health  
10 insurance, but there's FICA, there's -- if they're a  
11 State employee, there's ERS, TRS, those types of  
12 costs. So the State pays a portion of those costs.

13 Q The State pays a portion of those costs  
14 for all teachers?

15 A Yes.

16 Q And for all GNETS personnel?

17 A Yes. It's built into the formula, yes.

18 Q Then the next line -- yeah, the next line,  
19 Operating Cost, it doesn't say how it's calculated.  
20 How is Operating Cost calculated?

21 A And I don't remember off the top of my  
22 head. I think it's -- well, I don't remember off  
23 the top of my head. It's just built in the  
24 spreadsheet.

25 Q But that would not be something we could

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1 calculate backwards from the spreadsheet? It's not  
2 just a matter of dividing by the number of students,  
3 correct?

4 A I think it is -- I think it's -- I would  
5 verify with the spreadsheet but I think it's  
6 something like \$10,000 per so many students. But I  
7 think. That's just -- you can see it on the  
8 spreadsheet, whatever it is.

9 Q Here it says for the federal funds there's  
10 a range table represented in increments of 50  
11 students. Do you know what that means?

12 A The federal program -- yes. Or somewhat.  
13 The federal program staff, they determine how much  
14 in additional federal funding each district -- each  
15 LEA -- or each GNETS center will get and the bands  
16 they use. I think there are 50 student bands, 50,  
17 50 students.

18 So, you know, for 100, 150 students, you  
19 get so much. For 151 to 250, you get so much. I  
20 think that's how it was set up.

21 Q Federal Program staff, that's GaDOE's  
22 Federal Program staff?

23 A Correct.

24 Q Do the data that is reported in the grant  
25 application submitted by the GNETS programs or the

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1 fiscal agents, does that data play any role in the  
2 operation of this formula?

3 A Repeat that one more time. Sorry.

4 Q I'll lie a better foundation.

5 Are you familiar with the GNETS grant  
6 application?

7 A Not really, no.

8 Q Okay. Does your office have any  
9 involvement with the processing of the GNETS grant  
10 application?

11 A No.

12 Q Do you know where the numbers for applying  
13 this formula in the spreadsheet come from?

14 MS. HERNANDEZ: Objection.

15 A I do know that the -- yeah, the student  
16 count, that comes from student record data. The CPI  
17 data is submitted to us.

18 So those are the only two that go into the  
19 formula. Yeah. Those are the only two data points  
20 that we use in calculating the formula, at least  
21 that the budget office uses.

22 So I don't know what happens beyond that.

23 Q So student count would account for FTE,  
24 and T&E you mentioned, too. What about  
25 paraprofessional cost and support salary costs,

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1 where would that information for this formula come  
2 from?

3 A Those are based on student counts.

4 So the student count is what will drive  
5 the directs and most of the indirect instruction.  
6 There will be ratios based on student counts. So  
7 that will drive that.

8 The CPI data will drive the T&E and health  
9 insurance numbers that we calculate.

10 And then the student count data would be  
11 used to help calculating the federal funding piece  
12 as well.

13 Q Okay. So if students need different types  
14 of services, that wouldn't play a role in this  
15 formula?

16 A No.

17 Q And if students had more extensive needs  
18 than students in other GNETS programs, that's not  
19 accounted for in this formula?

20 A No.

21 MS. HERNANDEZ: Objection.

22 Q Is there any funding for training allowed  
23 for in this formula?

24 A I want to look at the spreadsheet to see  
25 if there's any professional development money in

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1 there. I don't know right now off the top of my  
2 head. I don't know. It might be one of the smaller  
3 aspects, but I don't know.

4 Q Then after application of this, or  
5 calculation based on this formula, that is how the  
6 State budget for GNETS is allocated; is that  
7 correct?

8 A Well, I mean there's always little things  
9 that happen every year, but this is mainly how it's  
10 calculated.

11 Q And who -- we kind of touched on this  
12 before, but do you know who decided on this, these  
13 elements of this formula?

14 A It was before my time.

15 Q And what kinds of little things might come  
16 up that might vary it some years?

17 MS. HERNANDEZ: Objection.

18 A Lawsuits. New contracts, new things. So,  
19 yeah, just -- things like that, that they may have  
20 to add more money to the program.

21 Not so much the formula. So, I don't  
22 know, maybe you asked me that. So the formula.  
23 But, you know, but even staying with the formula,  
24 the teacher's salary is a big input. If that  
25 changes, it will change it.

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1 But they can change -- this one isn't set  
2 out in code, so you can change an element of it, if  
3 they come together. So any budget office can  
4 recommend a change. You know, we don't recommend  
5 changes. We kind of stay with -- but if they decide  
6 they want to change the funding formulas for it, I  
7 think it would just -- they could just do it within  
8 their -- in calculating the funding formula. So...

9 Q When you said new contracts, what does  
10 that mean? How would that affect this?

11 A It wouldn't, you know, as I'm thinking of  
12 it, because I think you're just talking about the  
13 formula.

14 So, no, the formula itself will not change  
15 based on the -- it would just be the -- if you  
16 change the inputs, but they can change any of the,  
17 any of the -- any element of this can be changed.  
18 This is how we kind of guide it, but they could  
19 change it because it doesn't require legislation to  
20 change this.

21 So it can be changed at any point. But  
22 typically it kind of stays static, except for the  
23 student count and the teacher salary information.

24 Q And when you say not set out in code, you  
25 mean this funding formula is not determined by code?

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1 This is --

2 A To my knowledge.

3 Q -- the spreadsheet and the department --  
4 the appropriators decide it but it's not code based?

5 A To my knowledge, it is not cited in code.  
6 So yeah.

7 Q And when you were telling me before, you  
8 were citing code sections before, that was for the  
9 QBE formula?

10 A Yes. Was it O.C.G.A. 2-8-166, something  
11 like that.

12 Q I'm not going to double-check that.  
13 Are there GNETS funds that remain  
14 unallocated?

15 A No. The goal is to -- when we set out the  
16 budget the end of the year is we make sure we are  
17 funding the minimum that the legislature has for the  
18 allocation. So whatever they said, what we need for  
19 personnel costs, then what was needed for contracts  
20 or -- contracts at DOE, and then anything that's  
21 left over, we've added that to the allocations that  
22 have gone out, or at least the program staff has  
23 recommended -- has asked me to proportionately  
24 allocate that to the, to that.

25 So if there is money left over, it's

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1 because we didn't quite spend enough in contracts  
2 that we had budgeted, but it's not intentional.

3 Q The contracts you mentioned, is that like  
4 the document we saw before, we talked about  
5 therapeutic contracts?

6 A Yes.

7 Q And those are funded by the Department of  
8 Education?

9 A Yes.

10 MS. TAYLOE: I would like to introduce,  
11 try to do it this right time, 753, GA00278336.

12 (WHEREUPON, Plaintiff's Exhibit-753 was  
13 marked for identification.)

14 BY MS. TAYLOE:

15 Q Let me know when you've had a chance to  
16 see that.

17 (Witness reviews exhibit.)

18 Q The spreadsheets that are attached to  
19 that, we'll look at them separately in spreadsheet  
20 form.

21 A Okay.

22 Q So this is a January 2016 email from Ted  
23 Beck to you and a few others and it is forwarding an  
24 email from Kerri Wilson.

25 Can you tell me who Kerri Wilson is?

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1           A     At the time Kerri Wilson was the -- she  
2     was either the division director at OPB or the  
3     acting director. I think she was the full-time  
4     director, division director at this point. So she  
5     was over the education unit, in the Office of  
6     Planning and Budget.

7           Q     It's called -- do you have a sense from  
8     either the titles of the attachments or the date  
9     what stage this would be shared at?

10          A     So if she sent this in January 14, 2016,  
11     these are the Governor's recs. So they're not the  
12     final -- they weren't final. They were just the --  
13     what the Governor recommended.

14          Q     And who are the other people on the list  
15     she distributed it to?

16          A     That Kerri sent it to?

17          Q     Yes.

18          A     Christine Murdock at the House, she's  
19     director -- I think she's now the director but was  
20     the deputy director.

21                 Sara Arroyo at the House, she was our  
22     house budget analyst.

23                 Melody, the former director at the Senate  
24     budget office, and then she copied Teresa, who was  
25     the director of OPB at the time, and Lee Wright,

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1 who -- oh, he was the division director at the time.  
2 This must have been when Kerri was still  
3 coordinating.

4 So Lee Wright was the division director in  
5 OPB over our unit. Keith Kim was our analyst.

6 Q So these are all people in the House and  
7 Senate -- House and Senate Budget Offices and OPB?

8 A Correct.

9 Q At this stage this is the Governor's  
10 recommendation to the legislature on education  
11 spending?

12 A Yes.

13 Q Ted forwarded it to you. Can you tell me  
14 what you would use this information for at this  
15 stage?

16 A This is to understand the intent. I mean,  
17 you know, you see the numbers on the page, but, you  
18 know, as you're seeing the documents, you can see  
19 the budget for GNETS being 60 million, but that  
20 doesn't tell you how much goes to allocations, how  
21 much goes to staffing.

22 So this is -- we need these documents to  
23 see what their intent is, say, what they're actually  
24 funding.

25 Q When you said earlier you were able to

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1 give some programs some estimate of what their  
2 programs might look like, would you use this  
3 document to provide those estimates?

4 A I think what I was saying was that --  
5 previously we would have. You know, we use the  
6 Governor's rec. Because some of them, like GNETS,  
7 didn't change very much, and then we had some  
8 turbulence where things changed a lot after the  
9 Governor's rec, and so we stopped doing it based on  
10 the Governor's rec, started waiting until the House  
11 and the -- basically started waiting until the  
12 process was almost over.

13 Q What happened in the years when things  
14 changed a lot between the Governor's recommendation  
15 and the final appropriations?

16 MS. HERNANDEZ: Objection.

17 A We've had cuts. Sometimes the economy was  
18 growing. Sometimes the priority changed. Sometimes  
19 -- I think one year the Governor proposed an  
20 increase that we weren't able to do.

21 So I'll say the big input -- or one of the  
22 big inputs for the GNETS grant is teacher's  
23 salaries. If he puts in a teacher's salary that  
24 increases it 3,000 and they say we can't do that,  
25 that's going to make a drastic difference in the

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1 formulas.

2 I think that happened one year. Actually,  
3 that was the thing that made us stop, because the  
4 Governor proposed a \$3,000 increase in '19 that was  
5 passed and he proposed a \$2,000 increase, because  
6 that was one of the things that he initially  
7 campaigned on and was elected on, was increasing  
8 teacher's salaries 5,000. So he proposed an  
9 additional 2000 the next year, but because of the  
10 economy, because of whatever, we weren't able to do  
11 that.

12 So, so the 2,000 was put in there but we  
13 had to take it out because it wasn't funded when it  
14 went through the legislature.

15 Q Thank you. That is helpful background.

16 One of the attachments to this is  
17 identified as the GNETS funding formula document,  
18 the one that ends in 8342. We'll look through that  
19 one.

20 Is this the spreadsheet you've been  
21 referring to periodically when you say --

22 A Yes.

23 Q -- you want to see the GNETS spreadsheet?

24 Can you confirm these calculations reflect  
25 the application of the funding formula that we

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1 discussed for the then upcoming school year, which  
2 would have been school year '17? Not the numbers  
3 but just the structure of it?

4 A Yes.

5 Q Is this how you receive it? You get this  
6 attachment like that as an attachment, or is it in a  
7 shared document database that you can look at?

8 A It's usually email. But, yeah, it's an  
9 attachment.

10 Q Do you know who creates this spreadsheet?

11 A We all have a formula -- we all have a  
12 version of it. So we all use this same template to  
13 kind of estimate it. So everybody kind of has  
14 something that looks like this for GNETS.

15 Q This one is the Governor's recommendations  
16 that would have come from the Governor's -- in case  
17 the Governor recommended any changes, this would  
18 have come from the Governor's office?

19 A This would have, yeah.

20 Q You said we all have it. This is all the  
21 people that we just saw, like the people in the  
22 House, and the Senate, and the OPB, and your office  
23 share, have access to these kinds of documents?

24 A Yes. This is just a spreadsheet.  
25 Everybody who does it, GNETS, they calculate it kind

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1 of based -- using a spreadsheet that looks something  
2 like this.

3 Q On the first sheet, Column A, those 24  
4 rows, are those the fiscal agents for the 24  
5 regional GNETS programs?

6 A Yes, I believe so.

7 Q And again it says FTE, but that's not the  
8 FTE, it's the student count for GNETS?

9 A Yes.

10 Q In the next double of rows, how does it  
11 work if a fractional staff member is funded? What  
12 do district or fiscal agents do when they have  
13 funding for a fraction of a staff member?

14 MS. HERNANDEZ: Objection.

15 A I don't know how they, how they manage it,  
16 but I think -- obviously, you can't hire part of a  
17 person. I think there's some flexibility in the  
18 budgeting.

19 You know, we fund that cost, but I think  
20 they have flexibility on how they manage to do it.

21 Q What would you think that flexibility  
22 looks like?

23 MS. HERNANDEZ: Objection.

24 A Again, I don't know because I don't know  
25 if they get other funds. I don't know their

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1 budgets. I don't know if they receive other funding  
2 outside of what they receive from us, or if they,  
3 you know -- so, you know, when they submit their  
4 budget -- I don't know. I'm not involved with their  
5 budgets getting approved in the application.

6 Q Are the salaries here calculated from the  
7 same scale as teachers in the QBE formula?

8 A They are now. I don't know if they were  
9 back then. In the past, they increased the salary  
10 scale -- or the teacher's salary that was used for  
11 GNETS to provide additional funding for it. Like I  
12 say, that's a big driver.

13 In the past they've used a higher salary  
14 for that, but then it was changed. We wanted to be  
15 consistent across all grants and everything. We  
16 wanted to make sure we used the same teacher's  
17 salary and this was the -- the budget offices  
18 decided on this.

19 So they made a change, and I don't know  
20 when that change actually occurred. But the money  
21 that -- but, yeah. So they've changed it so that it  
22 was -- now it will match. What you see is the  
23 traditional teacher's salary.

24 But, again, I don't know if it matched  
25 back then.

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1 Q When you say the budget office decided  
2 this, which budget office is that?

3 A I don't remember. I want to say it was  
4 the House, but I don't remember.

5 Q And I just didn't follow. Whose salaries  
6 -- who teachers' salaries used to be higher?

7 A GNETS did. That was a way to increase the  
8 amount of funding that was put in the system, or at  
9 least that's what happened. I'm assuming that was  
10 the intent. But it was changed.

11 Q Do you know where they get the salaries  
12 for psychologists?

13 A You can look at the salary detail -- or,  
14 actually, can I look at it? Because psychologists  
15 are 12 months. So teachers were funded on 10 months  
16 and psychologists are 12 months. So you'll see  
17 that.

18 So here's 10 month people and 12 month.

19 Q But do you know where they got the amount  
20 for that 12 months?

21 A It's the teacher -- it's the same  
22 teacher's salary. It's a teacher's salary at 12  
23 months.

24 Q For teachers it is, but is there a  
25 comparative for psychologists?

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1           A       So we fund everybody -- is that a teacher  
2 salary or a secretary or admin? Everybody,  
3 teachers, directors, psychologists, they're all  
4 teacher salary for 12 months.

5                       So I mean it's the same number. You can  
6 see -- I don't know if you can see it. But  
7 35118.70, if you go back to the formula.

8           Q       So psychologists are paid at a teacher's  
9 rate in GNETS?

10                   MS. HERNANDEZ: Objection.

11           Q       Except possibly for the 12 months as  
12 opposed to the 10 month issue?

13           A       So let's see. They are 40 -- 40789.

14                   I can see here they were paid at 10 month,  
15 yes, I guess. That's how this spreadsheet works,  
16 yeah.

17           Q       And is the same ratio used here as for QBE  
18 funding?

19           A       I have to look at the sheet right now but  
20 I think it was -- the previous sheet said they were  
21 trying to match Category III, the Special Education  
22 Category III. So I don't know if they matched it in  
23 every funding category, but I think it was -- in  
24 some of them it was matching the special ed Category  
25 III.

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1 Q And a minute ago I asked you -- you said  
2 the budget office, possibly the House Budget Office,  
3 decided to equalize the teacher rates. Can you tell  
4 me when that was?

5 A I don't remember exactly. 2017, 2018.  
6 No, it had to be 2018, because this is  
7 2017.

8 This is above the teacher rate. It's  
9 35118.

10 Q Now that have you this spreadsheet, we  
11 talked about operations before and you weren't sure  
12 how it was calculated. Is there anything in here  
13 that helps you remember how operations was  
14 calculated?

15 A Operations funding in detail. 2500 --  
16 this is the breakout of the operations funding.  
17 Make it bigger.

18 So you have supplies, travel, equipment,  
19 miscellaneous, insurance, workers' compensation, and  
20 -- what are we doing here?

21 And we fund that amount for every 50  
22 students.

23 Q So that amount that was set forth on the  
24 detail page is for every 50 students?

25 A Correct.

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1 Q Then in the row -- I'm sorry -- the column  
2 that says Less Federal Funds, is this where we  
3 talked about you would characterize this as  
4 austerity but here its labeled as federal?

5 A Yeah. It was just how they labeled it. I  
6 don't -- you know, we told them that they shouldn't  
7 label it that way or -- but, yeah. It was supposed  
8 to be austerity. You know, it was -- I don't know  
9 if in the past they were trying to reduce all states  
10 for the federal funds, but it was just an austerity  
11 cut, but I don't think they changed the heading on  
12 this.

13 Q Who decides about the austerity cut?

14 A You know, it's the governor -- this is the  
15 Governor's Office. So they determine this.

16 Q So at least as far as this states, this is  
17 the Governor's recommendation and the General  
18 Assembly might do a different austerity cut?

19 A Correct.

20 Q Do you see a place in this formula for any  
21 training?

22 A Let's see.

23 No. Not explicitly, no.

24 Q So if GNETS programs were going to offer  
25 any training from their allocated funds, it would

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1 have to come out of the general pool? They don't  
2 have a specific amount designated for training?

3 A Yes.

4 THE WITNESS: Do you mind if I take a  
5 second to stretch my legs?

6 MS. TAYLOE: Sure. Can we go off the  
7 record.

8 THE VIDEOGRAPHER: Off the record at 2:41  
9 p.m.

10 (A recess was taken.)

11 THE VIDEOGRAPHER: Back on the record at  
12 2:44 p.m.

13 BY MS. TAYLOE:

14 Q There were some things in the QBE earnings  
15 or allotment sheets that we talked about earlier,  
16 but I want to ask if they are accounted for anywhere  
17 here in the GNETS funding formula?

18 Is there anyplace that includes things  
19 covered by the categorical grants?

20 A Not specifically, no.

21 Q What does it cover unspecifically?

22 A Again, in this year's formula the  
23 teacher's salary was a little bit higher than --  
24 this was 2017. So the teacher's salary would have  
25 been -- I don't know. Would have been 34092, which

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1 I think is -- yeah. 34096, or -- yeah, it would  
2 have been something like that. I don't remember  
3 exactly.

4 So let me -- but -- so there was  
5 additional money in there because the teacher's  
6 salary was a little higher. So they weren't being  
7 funded at the same level as a Category III student  
8 would because they would have been based on a  
9 teacher's salary of 34092 at the time, and this one  
10 had 34 -- or actually it was whatever it was before  
11 that time, 1.03. So this one had 35108.7.

12 Does that make sense?

13 So there was additional money in here  
14 because the teacher's salary was higher than it was  
15 in the QBE funding formula.

16 Q So back before the salaries were  
17 equalized, you're saying that the programs could  
18 have used the higher teacher salaries to pay for  
19 nurses or transportation or something else that was  
20 covered under the categorical grant?

21 A Yes. It went out via the allocations,  
22 but, but that's what I was saying. So it doesn't --  
23 there was no money for those grants specifically but  
24 there was additional money in there above the QBE  
25 funding level of teachers.

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1 Q Okay. Was there anything comparable to  
2 the five mill local contribution requirement?

3 A No. Well, I mean, the austerity, yes, but  
4 I mean that's not the same thing. So, no, not  
5 really.

6 Q Any funding for specialist teachers for  
7 elementary students?

8 A Any funding? What do you mean by that?

9 Q On the QBE formula, for elementary  
10 students there's places for special like arts and  
11 music and special teachers like that.

12 A Oh. No, not specifically.

13 Q Any funding for a tech specialist?

14 A No.

15 Q Any funding for remediation?

16 A No, not specifically. No.

17 Q And any funding for English for Second  
18 Language Learners?

19 A No.

20 Q Then when we talked about the student  
21 count, we touched briefly on whether it counted  
22 students in the centers and classrooms. Do you know  
23 if there's any place in the formula for funding  
24 services provided by GNETS programs providing  
25 consultative services?

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1 Do you know what consultative services  
2 are?

3 A No.

4 Q Is there any funding that would appear in  
5 the formula for instances where a GNETS teacher goes  
6 to a student in a general education setting and  
7 supports the student or the student's teacher in  
8 that general education setting?

9 MS. HERNANDEZ: Objection.

10 A So I don't know how we categorize teachers  
11 -- so I would want to look it up before I answer  
12 definitively. But I assume there's a way to capture  
13 a teacher who helps out in the -- like I'm assuming  
14 they would be represented somewhere in the CPI data,  
15 even if it's just partial, you know, being  
16 represented in the CPI data for -- you know, that  
17 goes into a local school system who comes from a  
18 GNETS center and works in that local school system.

19 So at least as far as T&E. I'm assuming  
20 they would be captured, but I don't know off the top  
21 of my head.

22 Q That makes me wonder, the CPI data is  
23 reported by the LEAs reporting their own teachers,  
24 correct?

25 A Yes.

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1 Q So that might account for teachers in the  
2 LEA, but would the CPI data include teachers from a  
3 GNETS program that come into their classroom?

4 A I mean if you're coming into that LEA,  
5 then I'm assuming they're employing you on some  
6 level. Again, I'm not an expert on how -- what LEAs  
7 include in they're reporting, but I would think we  
8 would be able to capture that, or should be able to  
9 capture that.

10 Q So is it fair to say it's not in the GNETS  
11 formula, but if, if they're being funded, it would  
12 be through LEAs and their teacher reporting?

13 A That would be my assumption, but I don't  
14 know.

15 Q Are you aware of any sources of funding  
16 for students in a general education setting who are  
17 exhibiting emotional and behavioral challenges?

18 MS. HERNANDEZ: Objection.

19 A Not particularly.

20 MS. TAYLOE: I'm done with that exhibit,  
21 Allison.

22 Q Do you provide training to anybody about  
23 the GNETS funding formula?

24 A Not regularly but I have.

25 Q To whom?

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1 A People ask questions, so.

2 Internal staff at DOE, directors that ask  
3 me to ask questions -- ask questions of me.

4 Q By directors, you mean GNETS program  
5 directors?

6 A Yes.

7 Q When you answer their questions, do you  
8 answer them individually, or do you actually conduct  
9 training for more than the person who asked the  
10 question?

11 A I've done a combination of both, I think.  
12 So I think I've answered questions individually and  
13 I think I've done some group sessions as well. I  
14 think I have.

15 Q When would you say the last time you've  
16 done that was?

17 A I don't recall.

18 Q So it's not a regularly scheduled --

19 A No.

20 Q -- either annual or for new directors or  
21 anything like that?

22 A No.

23 Q Do you field questions -- we talked a  
24 little bit about this.

25 Do you field questions about the

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1 allocations from personnel within the GNETS programs  
2 or their fiscal agents?

3 A Yes. People ask questions about  
4 everything.

5 Q And what types of questions have you  
6 received?

7 A Why did they go up? Why did they go down?  
8 What, what does this mean? How is this  
9 calculated? Those types.

10 Q Are you generally able to answer their  
11 questions?

12 A Yeah -- yes, I can look and see and  
13 basically compare it to the previous year or  
14 what-not and see what happened.

15 Q Do you ever get questions about anything  
16 beyond the math of the calculations?

17 A No, not really.

18 Q So you haven't received any concerns about  
19 how the formula works?

20 A Not that I can recall. I mean I know my  
21 first response, if anything that would happen, would  
22 be to refer them to the program staff. I can't  
23 speak on policy.

24 Q Again, program staff would be Vickie or --

25 A Yes. GaDOE program staff.

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1 Q Have you received questions from GNETS  
2 programs about them not having enough funds to meet  
3 their students' needs?

4 MS. HERNANDEZ: Objection.

5 A Maybe. You know, I don't know. I don't  
6 recall.

7 Q Have you any shared --

8 MS. TAYLOE: Strike that.

9 Q Have you ever shared any concerns about  
10 the operation of the formula with anybody else?

11 A No.

12 What do you mean? You mean outside of  
13 GaDOE program staff and what-not?

14 Q Including inside or out?

15 A They've talked about their concerns with  
16 me, so we've had discussions about it.

17 Q Okay. Who has shared concerns with you?

18 A I don't know. I've had meetings with the  
19 two previous directors of Special Education. So  
20 Zelfhine Smith-Dixon and Debbie Gay. I know I've  
21 had meetings with them.

22 Q And what were the concerns they shared  
23 with you or that you discussed?

24 A Well, it was just mostly -- to be blunt,  
25 we were trying to figure out ways to get more money

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1 to the system. So, you know, we were trying to see  
2 if there were strategies that we could go through in  
3 the appropriations process. But, again, that would  
4 require the Governor's approval and the legislators  
5 that we were talking with, how to talk with them. I  
6 think we were kind of going through those stages.

7 Q Did you come up with ways, or were you  
8 successful in getting more money appropriated?

9 A Well, there was -- there's cons and there  
10 were -- there were pros and cons for each of the  
11 things that we proposed.

12 So there was -- you know, there was some  
13 talk of -- I think one discussion mentioned changing  
14 them to the schools versus programs, and that would  
15 allow them to be under an LEA and receive money.  
16 But, but we -- the systems needed some freedom --  
17 or -- I don't understand. You have to speak with  
18 the GaDOE program staff, but that would kind of  
19 restrict the systems in a way that they didn't think  
20 was conducive to their mission or what-not.

21 So we had ideas but we hadn't come to the  
22 stage of how to implement it, so.

23 Q How long ago would you say that proposal  
24 was considered?

25 A This was, I want to say, maybe

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1 pre-pandemic. So three, four years.

2 Q Do you have an understanding of what they  
3 said would restrict their programs in a way not  
4 conducive to the mission meant?

5 A No -- that's just my language. But, no, I  
6 don't know. I don't know. It was just -- all I  
7 knew was that they were like -- they didn't think  
8 that would be good for the programs to make them  
9 schools versus -- versus program.

10 Q "They" were Zelfphine Smith-Dixon and  
11 Debbie Gay or somebody else?

12 A More than just them. So it was, you know,  
13 just -- I don't want to say that's how it was  
14 relayed to me. It was relayed to me but it wasn't  
15 just from one person, I think.

16 Q So it may have been them speaking on  
17 behalf of some program directors --

18 A Yes.

19 Q -- or someone else?

20 A May have been, yes, speaking on behalf  
21 GNETS directors. Who knows. I don't know. Yeah.

22 Q Have there been any other proposals  
23 besides the one to make them schools and not  
24 programs?

25 A No, not that I've been involved in. I

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1 think we were wanted to look at the whole formula at  
2 some point but...

3 Q And when we were talking about budget, you  
4 said there had been discussions about closing the  
5 GNETS schools or possibly rerouting the money.

6 Was that one of the other possibilities  
7 discussed in this context?

8 MS. HERNANDEZ: Objection.

9 A No, I was not involved in those  
10 discussions, but, but you saw in the bill last year  
11 that, that, yeah, that was something that the  
12 legislature was considering. But I wasn't involved  
13 in those discussions.

14 Q Okay. So these changes that you and  
15 others were considering proposing, sounds like you  
16 -- somebody decided there were reasons not to do it,  
17 but did you understand that had program staff been  
18 in favor of these ideas that that would have been  
19 something GaDOE would have had the authority to  
20 pursue?

21 MS. HERNANDEZ: Objection.

22 A I mean I -- depends on the things. I  
23 mean, like I say, anything we do, we don't  
24 appropriate anything. So we can't -- so if it's  
25 going to involve more money, we've got to get

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1 approval from the Governor's Office and the  
2 legislature -- the legislature.

3 So, so that's, that's basically the -- you  
4 know, you have to -- there are only -- well, say it  
5 this way. But, you know, you just got to -- you  
6 know, there's -- when it gets to the point of having  
7 to talk to OPB and asking for money, that's -- the  
8 superintendent is going to bring that. So you've  
9 got to think about are we ready to bring this to the  
10 superintendent. You know, before that you got to  
11 get through, you know, the deputy superintendent.

12 So just a big process when you're talking  
13 about taking and asking for money. You know, it's  
14 just -- I don't know how it is at the federal level  
15 but, you know, when you're going through the  
16 appropriations process, you've got to be very  
17 careful.

18 Q Yeah. So apart from appropriations,  
19 though, if we were talking about level of closing a  
20 program or moving it from a program to a school,  
21 that would require funding or approval from the  
22 legislature, wouldn't it?

23 A That one wouldn't have but, like I said,  
24 there was some -- I don't remember all the details.  
25 Like I say, this was pre -- we had just kind of had

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1 a conversation, I think, and then things just  
2 changed.

3 So -- yeah, it was just -- I think that  
4 one was a timing issue. But I don't know what those  
5 reasons were, why they were hesitate on that, but  
6 they had reasons.

7 Q If they approved, do you think you would  
8 have taken it to the Board of Education?

9 MS. HERNANDEZ: Objection.

10 A That's really not my call. I'm not going  
11 to undermine -- these are -- I know they're  
12 professionals and, you know, I know Zelfhine and  
13 what-not, they would try to do what was best, so.

14 Q I'm sorry, I didn't mean to suggest  
15 undermining. I mean if they had been in support of  
16 these ideas, what the next step would have been.

17 A Oh, yeah.

18 Q The next step would have gone to the State  
19 Board of Education?

20 A Yeah. Well, the next step would have gone  
21 to the superintendent's office, gone to the deputies  
22 and the superintendent's office, and then if they're  
23 okay with it, then, yes, we take it to the Board.

24 But -- well, actually, honestly I don't  
25 know how the dynamic with the Board, but I just say

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1 we take it to the superintendent's office and then  
2 take it to the Governor. So I don't know the Board  
3 -- I think the superintendent would inform the  
4 Board, but I don't want to speak for him.

5 Q And they would know the process after --

6 A Yes.

7 Q -- after that level? Okay.

8 MS. TAYLOE: I would like to introduce as  
9 Plaintiff's Exhibit 754 document GA00282006.

10 (WHEREUPON, Plaintiff's Exhibit-754 was  
11 marked for identification.)

12 BY MS. TAYLOE:

13 Q This is another email with spreadsheet  
14 attachments that we can look at separately.

15 This is a January 2017 email from you to  
16 Ted Beck?

17 A Yeah.

18 (Witness reviews exhibit.)

19 Q Entitled "GNETS Counts," with the  
20 attachment "FY18 GNETS Counts" spreadsheet, and it  
21 says: "Attached are the counts used in the GNETS  
22 formula from FY13-FY18."

23 A Okay.

24 Q Do you routinely send this information to  
25 Ted and Jon?

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1           A     Um, yes. Well, I mean, during the budget  
2 session it's basically whatever they ask for. So  
3 this is -- in January, this is the beginning of the  
4 budget session with the legislature. So they're  
5 asking a lot of questions. So when they were asking  
6 questions, we would sit in -- Ted and, in this case  
7 Rusk, the information that he needs to answer the  
8 questions.

9           Q     This is most likely in response to a  
10 request from one of them?

11          A     Yes.

12          Q     Or in that case probably from Ted. Okay.

13               And then the attachment starts with number  
14 -- ends with No. 2007, is the attachment,  
15 spreadsheet attachment.

16               (Witness reviews exhibit.)

17          Q     When you have control, you can enlarge  
18 that if it makes it easier.

19               So this is FY 18 GNETS count, is the title  
20 of this document.

21               Can you tell me what years would be used  
22 to calculate the student count for FY18?

23          A     Again, this was -- this must have been  
24 when we made -- right before we made the change.  
25 Because you see it still had that rolling average.

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1           This doesn't have it, and I don't --  
2       honestly, I don't remember the actual formula for  
3       calculating that rolling average, but it used a  
4       rolling average from the previous year, the funding  
5       count they used in the previous year, and averaged  
6       that with the actual count from the current year,  
7       and then you get a -- let's see.

8           Actually, FY18 -- yeah, it's a different  
9       spreadsheet that has this information where it was  
10      calculated.

11           So, no, I don't remember how this one --  
12      how we actually calculated it exactly. I mean I  
13      would have to look at the spreadsheet, but I know we  
14      used the funding count for the previous year and  
15      kind of averaged it with the actual count that you  
16      see, which in this case this was 20 -- whatever.  
17      That was the actual count from that student report  
18      that year.

19           Q     Okay. So setting aside for the moment  
20      whether this is the old or new formula, under the  
21      current formula you use the actual count from Year 2  
22      and Year 3 prior and the budget count for the year  
23      before? Is that correct?

24           A     Under the current, the current formula?

25           Q     Yes.

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1           A     You use the most recent three student  
2     record counts, and you just weight the most recent  
3     at 50 percent of the other two at 25.

4                     So you weight the most recent heavier but  
5     it's just the last three student counts.

6           Q     But is the most recent student count  
7     actually available, or do you use the budget -- the  
8     number from the budget for that year, which is not  
9     an actual count?

10          A     The most recent student count will be  
11     available. It will just be the year ending before  
12     that.

13                     So when we were coming up with the  
14     allocation for '23, when we were coming up for this  
15     year's allocation, we were doing this in '21, in the  
16     fall of '21, we had to come up with the numbers. So  
17     we had the student record count for 2021 available  
18     because that's calculated at the end of the year.  
19     So we had the student record count for 2021, 2020,  
20     and 2019.

21                     Now, so we were doing it to '24, you know,  
22     we were doing it with 2022 data, '21, and '20.

23                     So I don't know what years went into this  
24     rolling average, but we were still doing it that  
25     way. But I know it had to do with the funding count

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1 from the prior year, and I don't know how many times  
2 we used that, so.

3 Q Okay. But I know how it works now, which  
4 is very helpful.

5 And even though this may have been under  
6 the previous formula, it is still possible -- well,  
7 let's just look at Elam Alexander in Bibb County as  
8 an example.

9 So in that example the program counts were  
10 increasing from 2013 to 2018. Is that correct?

11 A The problem counts --

12 Q It's in Bibb County.

13 A You said the program counts were  
14 increasing? I don't know that I can see -- I don't  
15 have that here. I think these were all the rolling  
16 averages that we have here. At least the averages  
17 that were funded, that's what you see here, on this  
18 column. It's FY13. These were the funded amounts.

19 Q Okay.

20 A And then this one, I don't know -- it's  
21 508.13, yeah. That was what was funded, and this is  
22 the actual count for that year, whatever year this  
23 was.

24 Q And is it true that under the formula in  
25 use in this document programs with increasing

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1 enrollment would be funded for an actual count that  
2 is lower than -- they would be funded an amount that  
3 is lower than the actual count?

4 A I don't want to say -- not necessarily.  
5 If the trend is going up, so the two -- the last  
6 three years -- well, I don't know. We have to look  
7 at it, because I don't want to say that's always the  
8 case because it depends on the numbers.

9 Q Well, in Bibb County the numbers went up,  
10 the funding numbers went up every year, which even  
11 if there was some variation in the actual numbers,  
12 the funding numbers went up every year?

13 A Right.

14 Q And at the end of that period the funding  
15 for the actual count of 519, the funding was 508.13;  
16 is that correct?

17 A Right. Yes.

18 Q So at least in this example the program is  
19 underfunded based on student count?

20 MS. HERNANDEZ: Objection.

21 A Yeah, I don't -- I mean I definitely won't  
22 say underfunded. I just -- it's whatever that  
23 funded count is. So, again, this is just the nature  
24 of the population. You don't -- this is just a  
25 record of all the students who have gone through.

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1           So in some sense it's always going to be  
2     artificially high because it's not -- like I say, it  
3     doesn't -- it's not keeping track of like the number  
4     of students who are there regularly. It's just  
5     everybody who came through, which I think that was  
6     intentional.

7           So, so I mean I wouldn't use -- definitely  
8     wouldn't use the language underfunded, but, like I  
9     say, I just have to look and see how the numbers --  
10    what the numbers were that went into calculating  
11    that rolling average, and I don't have that right  
12    here because this is just the funded counts, these  
13    numbers right here.

14           Q     What are the current rules on carryovers  
15    for GNETS program funding?

16           A     Can you be more specific? What do you  
17    mean?

18           Q     If a program -- I didn't want to put you  
19    on the spot by saying programs with decreasing  
20    enrollments are overfunded because I understand your  
21    qualifications on the reverse.

22                   But there might be some programs that have  
23    an actual count that is lower than the funding level  
24    and they might have that money -- like you said,  
25    because of fluctuations they might have more

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1 students the next year. Are they able to save the  
2 money from the year they're sort of nominally  
3 overfunded to use in the year when they've got more  
4 students come back that might not be reflected in  
5 that year?

6 MS. HERNANDEZ: Objection.

7 A I'm not, I'm not -- that's an accounting  
8 question. I think they can carry over some of it  
9 via accounting mechanisms. I don't know what those  
10 specifically are.

11 I mean I think it's just -- but I don't  
12 think it's in, in perpetuity. Like I think maybe  
13 you can carry over from the prior year into the  
14 current year and use it, but you can't keep carrying  
15 from two years and three years. I don't think you  
16 can do that, not with state funds.

17 Q But that was handled more by another  
18 division, by the accounting folks?

19 A Right. They have to get all that figured  
20 out during close-out the remainder year.

21 Q Just to confirm, in the case of GNETS,  
22 that accounting question would be -- who would  
23 answer that accounting question for GNETS?

24 MS. HERNANDEZ: Objection.

25 A Well, the person -- just the person,

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1 Wilamet -- she left not too ago, but the Financial  
2 Services Unit. So Amy Rowell I believe is the  
3 director of that unit. So someone on her staff.  
4 Amy R-O-W-E-L-L.

5 Q Amy Rowell would be the person who handles  
6 it now because somebody just left?

7 A Yeah. Well, she left -- how long ago was  
8 it now? I lose track of time. Maybe it was last  
9 year this time.

10 But she was an employee who had been  
11 there.

12 Regina Hailey had been there a long time,  
13 and she used to handle that. But I don't know who  
14 handles it now.

15 Regina Hailey, H-A-I-L-E-Y.

16 Q Thank you.

17 Are you familiar with how students in a  
18 GNETS program are reported, are reported for  
19 residence purposes and home school purposes?

20 A Not, not particularly, no.

21 Q Does that impact your work at all?

22 MS. HERNANDEZ: Objection.

23 A Well, the student record data will have  
24 them assigned a GNETS center, but I don't need to  
25 know what their systems -- system of residence is.

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1 Or we don't need to know that as far as calculating  
2 the formula.

3 Q Do you know where the IDEA funds for a  
4 given student are directed?

5 A Yes. I mean that one will go to -- to the  
6 LEA where the students are located.

7 Q Does your office oversee that?

8 A The disbursement of the LEA funds?

9 Q Allocation of it, yeah.

10 A Yes.

11 Q Okay. So if a student resides in one  
12 district but attends a GNETS program in a different  
13 district, do you know where the IDEA funds for that  
14 student go?

15 MS. HERNANDEZ: Objection.

16 A I believe it would be in the district that  
17 they resided in.

18 Q Do you know why that is?

19 MS. HERNANDEZ: Objection.

20 A No. I mean that's just how the data is  
21 reported.

22 Q Okay. And I think we touched on this  
23 before, but is there any requirement that the  
24 district of residence contribute anything towards  
25 the special education services of the student in the

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1 GNETS program?

2 A Not to my knowledge.

3 Q I may have asked this before, and I'm  
4 sorry, my notes are now jumbled.

5 I know the process has been -- the  
6 Governor makes a request to the General Assembly,  
7 and the General Assembly makes the appropriations,  
8 and then you carry out allocations from there. But  
9 I've lost track at what point the State Board of  
10 Education participates in any of those steps.

11 Can you clarify that for me?

12 A Yeah. So I think before we, before we  
13 submit our budget recommendation to the -- our  
14 budget request to the Governor, we get it approved  
15 from them, and so before the Governor starts, you  
16 know, the State Board weighs in there.

17 And then after it's signed off by the  
18 legislature and the Governor, then we present it to  
19 the Board for their approval also.

20 Q And the part -- you submitted that part,  
21 is that the allocations that the Board approves?

22 A Yes.

23 Q Okay. So I misspoke when I asked the  
24 question. I just want to make sure I'm clear now.

25 So the Department of Education submits the

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1 request to the Governor, the Governor submits the  
2 recommendation to the General Assembly?

3 A Right.

4 Q And the State Board of Education weighs in  
5 before you submit the request to the Governor?

6 A Right.

7 Q Thank you for clarifying that.

8 And what is your office's role with the  
9 preparation of the request, the request to the  
10 Governor?

11 A You're talking about anything in  
12 particular or just overall budget requests?

13 Q I guess overall. Do you -- what do you  
14 start from? What do you add?

15 At what point do you get priorities or  
16 preferences added into it?

17 A Yeah, so the basic stuff, I mean there's  
18 going to be some basic instructions that we get. So  
19 we just enter that according to their, their  
20 directions. But --

21 Q According to whose directions?

22 A The Governor's direction. So they may say  
23 enter this much for, for changes to TRS, that we're  
24 going to change the TRS rate. These are the  
25 numbers. Or, you know, enter this much for -- we

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1 want to see your estimate for QBE or what-not.

2 So we'll enter that in based on whatever  
3 their instructions are.

4 Q I'm sorry, I don't want to interrupt you,  
5 but I want to make sure I'm following.

6 So even before you submit the budget  
7 request, you get directions from the Governor that  
8 help guide the formation of the request?

9 A Sometimes, yes.

10 Q So directions, then request, then  
11 recommendation, then bill?

12 A Yeah. I mean it's -- I mean like the  
13 Governor will give instructions, I mean. So most of  
14 the time the instructions are flat budget or two  
15 percent increase. I mean I've been here long enough  
16 to have seen the kind of scenarios where four, six,  
17 10 percent decrease, or two percent increase, two  
18 percent decrease.

19 So the Governor's instructions will lay  
20 out what he wants to see in our budget request, and  
21 then there are the offline conversations that will  
22 inform some of our requests.

23 So, you know, the Governor may speak to  
24 the superintendent, or the superintendent may have a  
25 priority that he wants and he'll talk to the

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1 Governor about getting it funded, and he may give us  
2 the okay to ask for it or not, you know.

3 So, yes, so those are -- that -- we'll do  
4 that stuff. But that's the second part what I just  
5 said, was that if the OPB or the Governor or the  
6 superintendent, any of those offices, has an idea,  
7 they'll talk with each other and they still come  
8 together and let us know what we should enter in as  
9 far as our requests.

10 So that's what, you know, we're -- I meant  
11 to say with having the basic stuff and then it's  
12 high level stuff, we'll get those instructions and  
13 enter that in as well.

14 Q That's helpful.

15 So something like you were giving an  
16 example of, two percent increase or 10 percent  
17 decrease, that seems like that would be sort of an  
18 across the board? Based on revenues or something  
19 they know they're going to have more or less  
20 generally, or they give it specifically to the  
21 Department of Education, is going to have to make  
22 this amount of changes, it's not across the Board?

23 A There's a general set of instructions for  
24 everybody, but they could be -- you know, we could  
25 be told to do something specific.

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1 Q And are there any specific, either -- so  
2 the increases, that would be across the Board, but  
3 what about, does the superintendent or anybody give  
4 a specific, within Department of Education, want to  
5 ramp this up or slow this down or anything like that  
6 kind of level of instructions before the  
7 recommendation or the request is formed?

8 A Well, you know, we can -- they'll usually  
9 ask us what they -- I mean the last few years it's  
10 been very rare for us to ask for anything in the  
11 request. So -- I would go back to where we could  
12 just ask. But when I was at OPB and my first years  
13 at DOE, we -- they were given more freedom to ask  
14 for things, to ask for how to manage their budgets.

15 When I say ask for things, it was usually  
16 budget cuts. We had to figure out how to cut the  
17 budget.

18 So, so I want to make sure I'm answering  
19 your question.

20 Q I think you are. So if there are budget  
21 cuts, who decides whether things are just cut  
22 proportionally across the board or if there are  
23 certain programs or grants or funds or something  
24 that are, that are churned a little bit more than  
25 others?

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1           A     The superintendent. I don't think any  
2     governor has ever just said you've got to do it  
3     proportionally. I think most them don't want you to  
4     do that. They will tell you they don't want you to  
5     do that. So it's usually the superintendent who  
6     will tell us, you know, his priorities, and I think  
7     he'll do that in consultation with his deputy  
8     superintendents and what-not.

9           Q     Have you ever gotten any specific  
10    instructions or directions with respect to budget  
11    about GNETS?

12          A     No, no specific instruction.

13          Q     About special education?

14          A     No.

15          Q     So once you've gotten these directions --  
16    I'm sorry -- instructions and guidance on what the  
17    request might look like, what sorts of data from  
18    what sources do you gather to form the request?

19          A     The FTE data and the CPI data, and a lot  
20    of other smaller sources of data. Like GNETS and  
21    student record data and preschool, three -- counsel  
22    three- and four-year olds. So stuff like that.

23          Q     Do you ever look at any kind of  
24    effectiveness measures when determining what your  
25    request would look like?

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1           A     Yes. We include performance measures with  
2     our budget requests every year. So those should be  
3     kind of giving us an idea, but I don't think we --  
4     you know, with the bigger -- with education -- with  
5     QBE and GNETS, I don't think I've seen any, you  
6     know, any direct performance measures. I mean...  
7     yeah.

8           Q     You haven't seen any performance measures  
9     for QBE or GNETS?

10          A     Oh, we have them. I just -- I mean to say  
11     I haven't reviewed them personally. Sorry.

12                 To be clear on that, we have but I just  
13     haven't reviewed them personally.

14          Q     Do you know if somebody does before the  
15     request is --

16          A     Yes.

17          Q     Who, who would review them?

18          A     We have I guess an entire team dedicated  
19     to that. Like the policy team -- the policy staff,  
20     they, they keep track of the performance measures  
21     for DOE, or GaDOE.

22          Q     And then after you've collected or your  
23     team has collected all this information from these  
24     different sources, how does that get put together  
25     into the request?

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1           A       We have a system. There's an online  
2       system. So you just enter the data into the system.

3           Q       Is that the budget development tracking  
4       sheet?

5           A       It's called PBCS, planning budget -- I  
6       don't know what the acronym stands for.

7           Q       And that's the system that you enter the  
8       data into?

9           A       Yes.

10          Q       And then it generates a request based on  
11       that, or generates spreadsheets or something based  
12       on that?

13          A       It will -- it will be the electronic  
14       version of our requests, yes.

15          Q       So there's a template of the requests --

16          A       Yes.

17          Q       -- that you sort of update?

18          A       Right.

19                 MS. TAYLOE: I'd like to introduce as  
20       document seven -- I'm sorry -- Plaintiff's  
21       Exhibit 755 document GA00323476.

22                 (WHEREUPON, Plaintiff's Exhibit-755 was  
23       marked for identification.)

24       BY MS. TAYLOE:

25          Q       This is a May 2018 email from you to

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1 Vickie Cleveland, attaching a number of documents.

2 (Witness reviews exhibit.)

3 A Okay.

4 Q Okay. Are these -- it is accurate to say  
5 these documents are presented in connection with the  
6 Board approval of allocations?

7 A Yes.

8 Q Are some of the template items here  
9 similar to what you use to present to the Board for  
10 approval of a budget request?

11 A Yes.

12 Q What -- how do Vickie Cleveland and, if  
13 appropriate -- Amber McCollum is copied on this.  
14 How do they use these spreadsheets -- sorry, these  
15 documents?

16 MS. HERNANDEZ: Objection.

17 A I think Vickie was new at the time and I  
18 think she was asking for some documents to show how  
19 it was done in the past.

20 So this is -- basically, I just gave her  
21 the documents from the prior year that we took from  
22 the 2018 GNETS allocations so she could see how it  
23 was done.

24 Q How would she know how much money or any  
25 information that was needed to be added to the

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1 template for the new year's request?

2 A I provided that probably in a separate  
3 email, provided her the allocation amounts.

4 Q On the second page of the document it's  
5 got the number ending in 3477 at the bottom of the  
6 page.

7 A Okay.

8 Q Under the -- in the Rationale box it  
9 mentions that the purpose is to support students  
10 with severe emotional -- social, emotional and  
11 behavioral challenges. Do you see that? Intense  
12 social, emotional/behavioral challenges?

13 A Yes.

14 Q Is there any mechanism to ensure that the  
15 funds are used to provide support for those  
16 challenges?

17 MS. HERNANDEZ: Objection.

18 A Is there any mechanism to ensure that it's  
19 -- funding is being used for -- to go against those  
20 challenges? Is that what you're saying?

21 Q Yeah.

22 A I don't know. I mean not, not clearly  
23 defined, no.

24 Q Is there --

25 A The point of the program, I guess, is --

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1 so the funds in the program, the allocation to the  
2 districts should be used for that, but, yeah.

3 Q Do you see where it says GNETS is an  
4 option that -- on the continuum support that  
5 prevents children from requiring residential or more  
6 restrictive placement?

7 It's in that same block but before the --  
8 prior to supports.

9 A Yes, I see it.

10 Q Is there any way to check that the funds  
11 are used effectively in support of that purpose?

12 MS. HERNANDEZ: Objection.

13 A Not specifically. I mean the GNETS  
14 program does keep -- is the first step before they  
15 go into the residential treatment facilities. So  
16 just by having the GNETS program kind of is the  
17 defining -- is doing that.

18 Q And in the block that says Performance  
19 Metrics, you're saying there's a different division  
20 that checks on the performance metrics?

21 A Which part are you looking at?

22 Q There's a block that's titled  
23 "Performance" and within that, the third bold  
24 headline says "Performance Metrics."

25 A Yes. I don't know who does it

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1 specifically, so I don't want to say. But I think  
2 it was the policy unit, but, again, that's just me  
3 speculating. I think they -- I know they gather the  
4 data but I don't know if they are the ones who are  
5 collecting it as well or who are, who are  
6 responsible for it. So I don't know if the GNETS  
7 staff is responsible for it in Policy, but I know we  
8 get it from the Policy.

9 Q You get the requests from the Policy  
10 Division?

11 A No. We gather the data. When we're  
12 putting it into our budget request, we gather it  
13 from the Policy unit.

14 Q What do you get from Policy?

15 A Actually, let me think on this. Actually,  
16 I don't know if we get it from Policy. I don't know  
17 if it's something that Vickie -- I don't know. I  
18 have to verify in my documents. So I don't want to  
19 say.

20 I know we gather the data. The budget  
21 unit, we are responsible for gathering data, but I  
22 don't know if we get it from -- because I don't have  
23 to actually enter it. So I don't know who the team  
24 on our staff gets it from directly. I was assuming  
25 it was Policy but I could be wrong. So I don't want

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1 to assume.

2 Q Okay, that's fine.

3 What information are you talking about  
4 gathering? What information do you gather?

5 A The performance metrics.

6 Q And what is that -- what are the data  
7 being analyzed?

8 A I don't know. That's what I'm saying, I  
9 don't see the data. I don't have the -- it's in  
10 Governor's budget request. So I just never -- you  
11 know, during that time of the year when I was  
12 looking at so much. I don't know what they use for  
13 their performance measures but they do have them.  
14 So I do know that.

15 Q So what is the basis then for your  
16 understanding that the GNETS program is designed to  
17 serve, you know, students as a last resort before  
18 requiring residential or more restrictive  
19 placements?

20 A That it exists -- you know, basically that  
21 it exists.

22 They don't -- before they go to the  
23 residential treatment or residential centers, they  
24 go to a GNETS program, which they don't have an  
25 overnight component. So, so -- this one, like they

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1 just go during the day, but they are able to go back  
2 to their home at night.

3 Q So your understanding isn't based on --  
4 you've never seen a report that says this many --

5 A No.

6 Q -- students have been diverted from GNETS  
7 placement by virtue of -- I'm sorry -- from a  
8 residential placement by virtue of an enrollment in  
9 GNETS?

10 A No. I just know that it's not overnight.  
11 So I know the residential treatment centers are.

12 Q Is it your understanding that every  
13 student who goes to a residential treatment  
14 placement has been to a GNETS before they get placed  
15 there?

16 A No. No, I don't know.

17 Q So are you aware of any studies or  
18 measurements to determine whether only -- that GNETS  
19 only serve students with severe emotional/behavioral  
20 challenges that could not be served in a gen ed  
21 setting?

22 A No.

23 Q I asked you before about the grant  
24 application process and you said you're not -- am I  
25 remembering correctly, you said you're not involved

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1 in that process?

2 A That's correct.

3 Q Do you get information from the  
4 consolidated application as part of any data you  
5 use?

6 A No.

7 MS. TAYLOE: I would like to introduce as  
8 Plaintiff's Exhibit 756, a July 21, 2016 letter  
9 from the State.

10 (WHEREUPON, Plaintiff's Exhibit-756 was  
11 marked for identification.)

12 BY MS. TAYLOE:

13 Q I'll give you a second. You don't have to  
14 read it but I want to ask you about one part of it.  
15 I want to give you a chance to review it.

16 (Witness reviews exhibit.)

17 A Okay.

18 Q Okay. This is a July 21, 2016 letter from  
19 Josh Belifante to Ms. Vanita Gupta.

20 Have you seen this letter before?

21 A Not to my recollection.

22 Q Do you remember being consulted on it when  
23 it was being written?

24 A Not that I know of.

25 Q And the part I want to ask you about is

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1 limited. The section numbered 6, Funding and  
2 Allocation, if you turn to that.

3 If you could read aloud the first  
4 paragraph of that section, please.

5 A The GDOE -- "The GDOE is currently working  
6 with the GNETS program directors to make sure the  
7 grant application process is both streamlined and  
8 effective and includes provisions for appropriate  
9 therapeutic services. This conversation is not  
10 limited to the GDOE and the GNETS program, but it  
11 includes community-based providers of therapeutic  
12 services and other stakeholders."

13 Q Were you among the GaDOE personnel working  
14 with GNETS program directors to make sure the  
15 application process was streamline and effective?

16 A No.

17 Q Do you know who was?

18 MS. HERNANDEZ: Objection.

19 A No.

20 Q Do you know how the grant application  
21 process includes provisions for appropriate  
22 therapeutic services?

23 MS. HERNANDEZ: Objection.

24 A No.

25 Q Do you know how community-based providers

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1 of therapeutic services and other stakeholders have  
2 been included, as mentioned in this paragraph?

3 MS. HERNANDEZ: Object.

4 A No.

5 Q Could you read the next paragraph, please?

6 A "These efforts are not only significant  
7 and meaningful in their own right, but they are also  
8 having an impact now. The GDOE's efforts will only  
9 be enhanced by the additional data and collaboration  
10 that these efforts will yield, and it would be  
11 premature to prejudge what the data would review or  
12 for GaDOE to seek to impose a uniform solution  
13 before sufficient information is known and analyzed.  
14 But, it is abundantly clear that GDOE is working  
15 diligently to enhance the educational experience for  
16 Georgia's children, and it is willing to take bold  
17 and decisive action when necessary. We encourage  
18 you to meet with GDOE, including Ms. Rahming, should  
19 you want to learn more about work being performed at  
20 the GDOE. We would be happy to assist in that  
21 regard."

22 Q Thank you.

23 Have there been changes since 2016 with  
24 respect to the additional data and collaboration  
25 referenced in this paragraph?

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1 MS. HERNANDEZ: Objection.

2 A I don't know. I mean my role stays the  
3 same but I don't know what other things have changed  
4 or not changed.

5 Q So there's no additional data that's come  
6 across in your work?

7 A No.

8 Q Has anyone reached out to you about --  
9 where they reference "sufficient information is  
10 known and analyzed," have they reached out to you to  
11 get information to assist in that analysis?

12 A No.

13 Q And where the letter says, "GaDOE is  
14 willing to take bold and decisive action where  
15 necessary," what do you understand that to mean?

16 A I don't know. I mean I -- yeah. That  
17 would be the superintendent, you know. So I don't  
18 know.

19 Q Do you believe the superintendent has the  
20 authority to change the formulas used to establish  
21 GNETS funding?

22 MS. HERNANDEZ: Objection.

23 A Again, we're not the appropriators. So,  
24 you know, we're the agency. So the superintendent  
25 represents the agency. So if you want to change the

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1 funding, he can, he can ask, ask the legislature and  
2 what-not. He can ask them, but I don't think he can  
3 -- he can't unilaterally change the funding that  
4 would bring in more funding.

5 Q I didn't ask about appropriations but  
6 about the formulas used.

7 MS. HERNANDEZ: Same objection.

8 Q You said those weren't established by  
9 code, so I'm curious if you think the superintendent  
10 has the ability to change the formulas?

11 MS. HERNANDEZ: Same objection.

12 A Yeah, I don't think, I don't think he -- I  
13 mean it's just me speculating. So I don't -- but  
14 you'd have to do that in conjunction with one of the  
15 -- with the budget offices, so the appropriators.  
16 Because if we change it and they don't agree with  
17 it, it does no good.

18 Q Does GaDOE have the authority to alter the  
19 reporting instructions so that when students are  
20 referred to regional GNETS programs the LEA does not  
21 continue to receive that funding?

22 MS. HERNANDEZ: Objection.

23 A Well, when they -- when they're coded to  
24 GNETS, they don't -- they aren't coded to, to the  
25 LEA anymore. So, you know, for that segment they

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1 will be GNETS. So they wouldn't report on the LEAs.  
2 The FTE reports for that period.

3 So what you're saying, I guess we already  
4 sort of do that.

5 Q Well, if they attend during that FTE count  
6 in the fall, for instance, and then get referred to  
7 and enrolled in a GNETS program, would the LEA still  
8 get some of the IDEA funding for that student?

9 A Well, they're on that count day. If  
10 they're there on that count day, then they're  
11 included in the count. So if they are later  
12 transferred to a GNETS, then, you know -- it doesn't  
13 matter. They were there on the count day, so --  
14 sorry. I lost track. Lost my track -- my thinking.

15 Q So which LEA would receive funding for a  
16 student who -- my understanding was students who are  
17 coded for GNETS, that's a program code, but their  
18 school code is still with their residence LEA; is  
19 that correct?

20 A My understanding, and I would need to look  
21 at it, but my understanding is once you're coded to  
22 GNETS, you kind of drop out of the FTE reporting, so  
23 you're not counted. But even if you were -- but if  
24 you were in there on those count days, then you were  
25 in there, you know.

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1                   So if I'm in there on the day that we do  
2                   our 2022-1 count, that's fine, and I later become  
3                   GNETS, then that's fine, I just won't count in the  
4                   FTE counts going forward if I'm still GNETS.

5                   Q       Okay. Does GaDOE have the authority to  
6                   require that LEAs make matching contribution funds  
7                   -- I'm sorry -- contribute matching funds or any  
8                   funding to the regional GNETS programs to whom they  
9                   refer GNETS students?

10                   MS. HERNANDEZ: Objection.

11                   A       I'm not an expert on what Board rules we  
12                   can use or what the powers of the State Board, so.

13                   MS. TAYLOE: I think we are ready for a  
14                   break, 15 minutes or so.

15                   THE VIDEOGRAPHER: We're off the record at  
16                   3:57 p.m.

17                   (A recess was taken.)

18                   THE VIDEOGRAPHER: Back on the record at  
19                   4:17 p.m.

20                   MS. TAYLOE: I would like to introduce a  
21                   document previously introduced as plaintiff  
22                   Exhibit 587.

23                   Its Bates number is GA03806083 and the  
24                   attachment.

25                   (WHEREUPON, Plaintiff's Exhibit-587 was

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1 marked for identification.)

2 (Discussion ensued off the record.)

3 A I have it now.

4 BY MS. TAYLOE:

5 Q This is an August 2016 email from Amber  
6 McCollum to you, with an attachment, and the  
7 attachment is called "GNETS Program FAQ."

8 A Uh-hum. (Affirmative.)

9 (Witness reviews exhibit.)

10 Q Do you remember receiving this from Ms.  
11 McCollum?

12 A I don't know the exact date but I do  
13 recognize this document.

14 Q She describes in the email that the  
15 document explains how GNETS students are reported in  
16 FTE; is that correct?

17 A Yes.

18 Q In the FAQ itself, do you see a No. 1,  
19 that says, "Who reports the GNETS students for all  
20 state data level collections"?

21 A Yes.

22 Q And what is the answer by who reports that  
23 student?

24 A "The resident system of the student even  
25 if the student attends non-GNETS classes in a school

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1 in the system where the GNETS program is located."

2 Q So can you explain to me or reconcile  
3 this? We had a conversation before trying to figure  
4 out how students were reported.

5 Does this help?

6 A Yes, it -- they still don't earn -- I  
7 think that's -- maybe that's the distinction I'm  
8 making because they're not earning QBE funds. So  
9 they're not, they're not assigned an FTE category --  
10 or an FTE category. So they may be assigned to that  
11 as far as just an overall count, but they're not  
12 earning QBE FTE weight.

13 Q Would IDEA funding be allocated to the  
14 district on the basis of the student's being  
15 reported this way?

16 A I believe so, yes. Because I think they  
17 use the overall count, and so we use -- I believe it  
18 was school lunch data, which that was always  
19 reported. I think I used -- which had the total  
20 number of students and then the breakout, which the  
21 lunch category is free and reduced, what-not. So it  
22 had the total number of students.

23 So I think that would include them but I  
24 would have to verify. But I think that is what we  
25 used and I think that's what we were told to use.

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1 So I think it does.

2 Q And do you know who decided this reporting  
3 system?

4 MS. HERNANDEZ: Objection.

5 A Well, this is -- you know, with any of  
6 these documents it goes through the same approval  
7 process. So anything -- this is an official DOE  
8 document. So the data collections unit probably  
9 wrote it up and it was approved by the Board,  
10 approved by the superintendent.

11 Q Does that just mean this document or the  
12 policy or both?

13 A I'm not a hundred percent sure but both is  
14 my, my thinking.

15 Q Do you know what the basis for this  
16 decision is?

17 A Well, this might have been decided by a  
18 superintendent past. I don't know that this is a  
19 new, new policy or anything. So it just may be a  
20 carryover.

21 So, so I don't want to say this was  
22 something specifically addressed by this Board or  
23 this superintendent. But, but -- so I mean it just  
24 may be historical, that this is what we've done,  
25 kind of just carried on.

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1 Q Okay. But this is a State of Georgia  
2 decision, this is not an IDEA requirement?

3 A I don't know. I don't know that -- this  
4 is State of Georgia but I don't know -- we didn't  
5 make it because it was an IDEA requirement, so I  
6 don't -- yeah.

7 Q Then we were also trying to figure out if  
8 students would be reported by the LEA for purposes  
9 of funding consultative services. Do you remember  
10 that conversation?

11 A Yes.

12 Q Can you look at No. 7 on the following  
13 page of this document?

14 A This is the page that ends in 86?

15 Q Yes.

16 A Okay. I'm sorry, what is your question?

17 Q Does this help answer the question about  
18 whether there would be funding available for a GNETS  
19 teacher to support a student in order to help that  
20 student remain in a GNETS -- I'm sorry -- in a gen  
21 ed setting?

22 MS. HERNANDEZ: Objection.

23 A At the time you were asking me the  
24 question I was thinking -- I thought you were asking  
25 would the teacher data be reported in there if they

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1 were teaching -- if they were going to a GNETS  
2 center. I thought you were asking about the  
3 teacher.

4 With this, the QBE funding is set up to  
5 account for those three days, those three different  
6 count days. It's designed to set up so that it's  
7 not tied to a particular student. So it's not that  
8 -- because we understand that student counts  
9 fluctuate, you know, throughout. So any time a  
10 student is eligible for, if they come, and they come  
11 in, they're eligible for QBE funds. So there's no  
12 district that say we can't take a student, we don't  
13 have the money for it. That student, if they meet  
14 the eligibility criteria to be a student.

15 So I don't -- yeah, I mean -- I think this  
16 is saying, you know, if those kids who are not quite  
17 students, just coming in for consultative services,  
18 which I see that's -- yeah. So these are not quite  
19 students. They're just -- yeah. So but those ones  
20 who are students, full-time students, they would  
21 have the funding. So I think that's a difference,  
22 or at least to my understanding.

23 Q Okay. So what I was asking before was  
24 whether there was funding available to help a  
25 student in a general education setting who had

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1 behavioral challenges receive support from a GNETS  
2 teacher. And on the GNETS side you said no, but  
3 there might be some if the teacher is funded through  
4 the LEA, you thought that might appear in the  
5 teacher count information.

6 And so I'm pointing to this to suggest  
7 that it looks to me -- I can't say that.

8 I'm wondering, if you having read this, do  
9 you still think it's possible for a student who is  
10 in a general education setting and experiencing  
11 behavioral challenges, if that support could be  
12 funded through the LEA side?

13 MS. HERNANDEZ: Objection.

14 A I guess I'm still -- I keep hearing  
15 teacher funding as well as student funding and I  
16 keep mixing them up. So I want to make sure I'm  
17 answering.

18 Can we break the question down a little  
19 bit more so I can make sure? Because I want to be  
20 clear on what I'm answering.

21 Q Okay. If a student is in a general  
22 education setting and they're having trouble,  
23 sometimes GNETS directors have said they will send a  
24 consultative teacher out to the gen ed setting to  
25 either support the student or to help support the

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1 teacher to know how to manage the student's  
2 behaviors.

3 A Okay.

4 Q Do you understand that?

5 A Well, I'm not familiar with that, but you  
6 can give me more information.

7 Q That's what they said they do.

8 A Okay. Yeah.

9 Q And I've been trying to find out if that's  
10 -- you know, if a GNETS program is kind of short on  
11 staffing and they need all the staff they have for  
12 the students in the program, is there any funding  
13 available to provide this service back in the gen ed  
14 setting, and I haven't been able to find where that  
15 funding would come from. It's not in the GNETS  
16 formula, and from this I'm just trying to see if you  
17 can shed any light on whether it would be possible  
18 to be funded another way?

19 MS. HERNANDEZ: Objection.

20 A Well, you know, I don't -- again, I don't  
21 have any specific examples, so I don't want to  
22 speculate on what can be done.

23 But they're often MOUs and MOAs and  
24 what-not between local schools, local LEAs and GNET  
25 centers. So maybe this could be covered between

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1 them without explicitly being covered by state  
2 funding.

3 So I don't, I don't -- yeah, I don't know.  
4 I don't got an idea. So I don't know how they would  
5 handle that, that side.

6 Q MOUs and MOAs are voluntary, correct?

7 A Yeah.

8 Q So then the last sort of process question,  
9 just sort of, is your office involved at all in the  
10 processing of drawdown reports?

11 A No.

12 Q Close-out reports?

13 A No.

14 Q Does that happen -- you referenced the  
15 accounting office?

16 A Yes.

17 Q That would be an accounting function as  
18 well?

19 A Yes.

20 MS. TAYLOE: I would like to introduce as  
21 Plaintiff's Exhibit 757 --

22 MS. TAYLOE: No, I'm sorry. It's a  
23 previous. Strike that.

24 It's previously introduced Plaintiff's  
25 Exhibit 375.

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1 (WHEREUPON, Plaintiff's Exhibit-375 was  
2 marked for identification.)

3 MS. TAYLOE: Do you have the document,  
4 Allison?

5 MS. EVERS: Laura, can you say the  
6 document ID number?

7 MS. TAYLOE: Michelle has it. Thanks.

8 MS. EVERS: Okay.

9 BY MS. TAYLOE:

10 Q This is a March 2018 email thread between  
11 Vickie Cleveland, Nakeba Rahming, and Zelphine  
12 Smith-Dixon, attaching a document outlining how Ms.  
13 Rahming and Ms. Dixon can support Ms. Cleveland.

14 Is that correct?

15 A Yes, that's what it looks like.

16 Q Do you see an attachment entitled "GNETS  
17 Program Manager Support"?

18 A Yes.

19 Q Have you seen that before?

20 A No. This is my first time seeing it.

21 Q Do you see where you are listed on the  
22 chart?

23 A GNETS Budget?

24 Q Yes. And the one also GNETS program level  
25 data?

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1 A Oh, yeah.

2 Q Is there any support that you've -- that  
3 you provide to Vickie Cleveland or the GNETS program  
4 that we have not already discussed?

5 A No. It's limited to the student record  
6 data coming up to the funding account.

7 Q And when it says "program level data"  
8 there, what do understand program level to mean?

9 A Just the funding -- student record count  
10 -- well, the funding count.

11 I don't know what they mean. It's  
12 basically whatever -- whatever they ask of me but  
13 it's usually going to be related to that  
14 spreadsheet.

15 Q So let me clarify my question because we  
16 refer to the GNETS program sometimes to mean the  
17 statewide program, and sometimes you're talking  
18 about regional GNETS programs, meaning the Cedarwood  
19 or the North Metro GNETS.

20 Do you know which she would have meant  
21 talking about program level data?

22 MS. HERNANDEZ: Objection.

23 A The only thing that would make sense to me  
24 is the statewide, because I don't deal with the  
25 individual district.

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1 Q Were you involved at all in the GNETS  
2 accountability side of the chart?

3 A Not to my knowledge. I mean, you know,  
4 anything with OPB, they might have asked me a  
5 question, but I don't know. Not to my knowledge.

6 Q Did anyone ask program level data from you  
7 in connection with any studies or analysis focused  
8 on accountability?

9 A No.

10 Q Did you participate in any of the meetings  
11 with Vickie Cleveland?

12 A What meetings? When she was first hired?

13 Q I thought -- I don't have the document in  
14 front of me. I thought the document referenced some  
15 meetings with Vickie Cleveland.

16 A Well, this one is from 2018. So that was  
17 several years ago. I think that was right around  
18 when she first started and Nakeba was going out.

19 So, you know, if it was meetings then,  
20 just to help her, yes, I know I met with her several  
21 times, just kind of going over what I did.

22 Q And so you met with her several times,  
23 meaning when she was newly -- new to the department?

24 A Right.

25 Q Did you have any ongoing meetings with her

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1 or ongoing communication with her?

2 A I mean there was just work, work meetings.  
3 This is pre-pandemic, so we were all in the office.  
4 So, yeah, just go up to the office and talk and  
5 answer questions when she had them.

6 Q Nothing scheduled, just as questions  
7 arose?

8 A Yes.

9 Q We talked a little bit before about some  
10 work you did with OPB at various points during the  
11 budget cycle. I have a few questions about other  
12 communications with personnel at OPB.

13 MS. TAYLOE: So now I'm going to introduce  
14 as Plaintiff's Exhibit 5 -- 757 -- I'm so  
15 sorry -- document GA00280852.

16 (WHEREUPON, Plaintiff's Exhibit-757 was  
17 marked for identification.)

18 BY MS. TAYLOE:

19 Q This is an October 2016 email thread  
20 between you and Ted Beck --

21 A Uh-hum.

22 Q -- and Jon Cooper.  
23 I'll give you a minute to review it.  
24 (Witness reviews exhibit.)

25 Q Are you good?

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1 A Yeah.

2 Q Can you describe briefly what this  
3 exchange is about?

4 A Yes. Part of the Governor's budget report  
5 is, like I say -- included in it is I guess a  
6 breakout of each agency, their roles and  
7 responsibilities. So that's part of the book, the  
8 book he publishes every year. So we ask -- things  
9 change, so we're asked to update it, and this was  
10 that process for 20 -- for the 2017 and '18 budget  
11 cycle.

12 Q So the budget report is different -- the  
13 budget recommendation is at the front end of the  
14 budget when it sends to the General Assembly. Is  
15 this a report sort of looking back over the past  
16 year or something different?

17 A No. It's, it's included in the budget  
18 recommendation.

19 So it's included with the budget  
20 recommendation. So it's -- when you go -- when you  
21 turn to the Department of Education page, that page  
22 that you are reading, that would be one of the first  
23 pages, basically that layout of the department, and  
24 then it will go into the recommendations as far as  
25 the cuts, adds, and then you see the performance

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1 measures. That's usually the layout that you would  
2 see. Then you see a summary.

3 So this is just part of the book that the  
4 Governor publishes.

5 Q So this is in October. Is this preparing  
6 for the recommendation that's going to be for the  
7 legislative session starting in January?

8 A Yes.

9 Q Okay. Thank you.

10 And then it talks about, in the email --  
11 I'm having trouble matching up -- there were some  
12 highlights and edits. Do you know from the email  
13 who made which edits in this document?

14 A I don't know. No, I don't know.

15 Q So Keith Kim said -- well, first, I should  
16 say, who is Keith Kim?

17 A He's our analyst at the time.

18 Q He said: "I've made some updates that I'm  
19 aware of," and asks DOE to edit and update what  
20 needs to be updated.

21 So some of them are likely to be from  
22 Keith Kim?

23 A Yeah.

24 Q And then you forward it to Ted. I'm not  
25 sure if all the edits here are from Keith or if you

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1 made some, too?

2 A I don't recall. I mean I might have but I  
3 don't recall.

4 Q Okay. Did you make -- do you regularly --  
5 usually make any changes when it comes to you or do  
6 you just send it on for someone else to make  
7 changes?

8 A No. Something like this I would be the  
9 one -- I would be expected to make the change.

10 Q So if there were numbers -- for instance,  
11 there are some number changes here. Is it likely  
12 you made those updates?

13 A If it was something Keith didn't do it, it  
14 was more likely me. But Ted could have done  
15 something. But more likely that I did it.

16 MS. TAYLOE: Then I'd like to introduce as  
17 Plaintiff's Exhibit 758 document GA00498712.

18 (WHEREUPON, Plaintiff's Exhibit-758 was  
19 marked for identification.)

20 BY MS. TAYLOE:

21 Q This is an email thread January of 2019  
22 from Teresa MacCartney to some House and Senate  
23 representatives -- not representatives but  
24 personnel. Is that correct?

25 A Yes.

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1 Q And it says: Attached is the embargoed  
2 amended FY19 and FY20 budgets.

3 Can you tell me what embargoed and amended  
4 budget means?

5 A I think she just meant don't share it with  
6 anybody outside of this chain or outside of your  
7 staff. Basically, don't take it to the news.  
8 That's my assumption but I don't know.

9 Q And then can you look at the next page to  
10 confirm this is what the final document of the  
11 Governor's budget report looks like?

12 A Yes. I mean I believe so. Yeah, I  
13 believe that's -- that looks like what it would look  
14 like.

15 Q So the document we looked at immediately  
16 before this is the kind of document you reviewed for  
17 ultimate inclusion in a budget report like this?

18 A Yes.

19 Q And after that she sent the sections on to  
20 Department of Education that are marked as Page 172.  
21 It's an excerpt from the report.

22 It's a long document. If you go all the  
23 way --

24 A Yeah.

25 Q If it helps, it's 8890.

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1 A 8890.

2 (Witness reviews exhibit.)

3 Q So the section that starts "Department of  
4 Education Roles and Responsibilities," that has the  
5 text describing the Education Department's purview,  
6 and the funding numbers after it, this is the final  
7 version of the document we looked at before that you  
8 were providing input on?

9 A Correct.

10 Q Thank you very much.

11 MS. TAYLOE: I would like to introduce as  
12 Plaintiff's Exhibit 759 GA00444299.

13 (WHEREUPON, Plaintiff's Exhibit-759 was  
14 marked for identification.)

15 BY MS. TAYLOE:

16 Q This is an August 2020 email thread from  
17 you to Vickie Cleveland and Nicholas Handville, with  
18 others copied.

19 Is that correct?

20 A Yes.

21 Q Who is Nicholas Handville?

22 A He works in our data collections unit.

23 Q And the subject line here is FY -- sorry  
24 -- "Re:FY20 Performance Measures."

25 Is this the same thing we were talking

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1 about, performance metrics, before? Is that the  
2 same thing as this?

3 A I don't know if they used this for that  
4 but I know I provide this. But, yes, yes, budget  
5 data provided by the students. So, yeah, I -- yes.

6 Q So is this the information you were  
7 referring to before that you provide data to the  
8 team to analyze performance?

9 A I wasn't thinking of this at the time,  
10 but, yeah, just budget data. But, yes, I guess we  
11 could say the program level data.

12 Q What data were you thinking of that you  
13 provided to --

14 A I wasn't thinking of anything. Just the  
15 budget data. So, yeah, I guess this could apply.

16 Q So do you think, is there any other sort  
17 of programmatic or effectiveness measures that you  
18 provide information on?

19 A No.

20 Q Okay.

21 MS. TAYLOE: We're done with that one.

22 I'd like to introduce as Plaintiff's  
23 Exhibit 760 document GA00378152 with its  
24 attachments.

25 (WHEREUPON, Plaintiff's Exhibit-760 was

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1 marked for identification.)

2 BY MS. TAYLOE:

3 Q This is a February 6, 2020 email from you  
4 attaching three spreadsheets to Sara Arroy. I  
5 believe you told us before she was the person you  
6 had contact within the House for several years? She  
7 was the one who was sort of constant there, your  
8 contact there?

9 A Right.

10 Q What prompted you to send these to Ms.  
11 Arroyo? Was that something routine or did she maybe  
12 request this?

13 A She probably requested it.

14 Q The subject line says, "GNETS Source  
15 Data."

16 Do you know what that means? Why does it  
17 say Source Data?

18 A I don't remember why I named it that way.  
19 Maybe that's what she said when she asked me. I'm  
20 assuming she called me and asked me for this. So I  
21 just used the same terminology, but it was the  
22 funding count information.

23 Q Okay. And then what's the names of the  
24 attachments there? The first one says: Final GNETS  
25 program enrolled-demog spreadsheet.

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1 Does that stand for enrollment  
2 demographics?

3 A Right. Yes.

4 Q And then the next one FTEs, just want to  
5 clarify again, this is the GNETS student count?

6 A Yes.

7 Q And then the last one says: Final GNETS  
8 program enrollment by primarea.

9 Can I ask if that is the primary area of  
10 exceptionality?

11 A That's my understanding of it, or at least  
12 that would be my guess.

13 Q Well, we'll look at the document and you  
14 can confirm that.

15 A Okay.

16 Q Looking at the first attached spreadsheet,  
17 which is the one that ends in 8153.

18 So is this the attachment with the  
19 enrollment demographics?

20 A Yes.

21 Q And for each regional GNETS program,  
22 there's a row with the breakout data?

23 A Yes.

24 Q And is the student count in Column D, is  
25 that an actual count?

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1           A       This is the student record count for that  
2       year.

3           Q       So this is in February. Would this be the  
4       student record count for the past year or interim  
5       student? Because you said the student record count  
6       was at the end of the year?

7           A       Yes. So this would have been for the  
8       previous -- this is 2020. Yes, this is student  
9       school year 2019.

10          Q       The previous year, okay. All right.  
11                 Then Columns E through K list each  
12       programs enrollment broken out by race and  
13       ethnicity; is that correct?

14          A       Yes.

15          Q       And L and M, break it out by enrollment by  
16       gender?

17          A       Yes.

18          Q       And N reflects how many in each program  
19       qualifies as economically disadvantaged?

20          A       Yeah. I don't know how it's defined but,  
21       yes, that's the name of the column. I don't know  
22       how they define it.

23          Q       And Column O reflects how many students at  
24       each program qualify as English language learners;  
25       is that correct?

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1 A Yes.

2 Q Is that the same when we talked before  
3 about ESOL, the ESOL element in the QBE? Is that  
4 for English language learners?

5 A Well, it's not the same because it doesn't  
6 -- it's not a funding category. So but --

7 Q Those who would be eligible for English to  
8 Speakers of Other Languages would be English  
9 speakers as well as students?

10 A I assume so. I don't know.

11 Q And the last column reflects how many each  
12 program are students with disabilities?

13 A Yes. It says how it's labeled.

14 Q And what would the General Assembly do  
15 with this information?

16 A I think I provided this as general  
17 information to Sara because I think she asked -- she  
18 asked specifically for the count, and -- the funding  
19 count and the most recent count. So I think I tried  
20 to provide, and this is what our tech services that  
21 provide it to me. So I just provided that  
22 information to her.

23 MS. TAYLOE: Do we have 8155?

24 (Discussion ensued off the record.)

25 Q Does this confirm our understanding of the

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1 Excel spreadsheet's name was in fact for primary  
2 area of exceptionality?

3 A Yes, yes.

4 Q What do the letters in parenthesis under  
5 the Disabilities category stand for?

6 A I don't know.

7 Q Do you know who determines what a  
8 student's primary area of exceptionality is?

9 A I don't know.

10 Q Do you know why there are students in some  
11 GNETS programs whose primary exceptionality is  
12 listed as hearing impairment or deaf?

13 A I don't know.

14 Q Similar for traumatic brain injury?

15 A Yes, I don't know.

16 Q Do you know how these various disabilities  
17 reported here are taken into account as part of the  
18 funding allocations for these programs?

19 MS. HERNANDEZ: Objection.

20 A Well, for GNETS we just use the student  
21 records. So the sum of all the -- so there's no  
22 distinction between any one in any of those  
23 categories. It's just the 413, the 136, the 219.

24 Q I'm sorry. What were those numbers?

25 A Oh, I'm just saying the total GNETS

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1 students.

2 Q I see. Okay.

3 So it's just the count of the number of  
4 students without regard to what their primary  
5 disability is listed as?

6 A Yes.

7 Q Do you know what the General Assembly  
8 would do with this information?

9 A Again, I just provide it to them. I don't  
10 know what they -- how they used it or if they used  
11 it or what.

12 MS. TAYLOE: Then the last communication  
13 with other government agency document I want to  
14 look at I'd like to introduce as Plaintiff's  
15 Exhibit 761, GA00131067.

16 (WHEREUPON, Plaintiff's Exhibit-761 was  
17 marked for identification.)

18 BY MS. GARDNER:

19 Q I'll give you a second to look this over.  
20 (Witness reviews exhibit.)

21 A Okay.

22 Q This is a January 2018 email thread with  
23 Jon Cooper and Natalie Quaranto. Is that correct?

24 A Yes.

25 Q Who is Natalie Quaranto?

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1 A She was our state budget analyst at the  
2 time.

3 Q What was she asking for in response to  
4 your last email?

5 A She was asking for information regarding  
6 the Government's budget request.

7 Q And she was asking specifically for --

8 A One second.

9 Go ahead. I'm sorry.

10 Q Do you need another second to look at it?

11 A Oh, just information about one item about  
12 the, the leadership team will continue to monitor  
13 the implementation of each item in this section. So  
14 she was asking about that, that wording, or what was  
15 meant by that.

16 Q She's in fact asking for some detailed  
17 plans for improvements? Do you see that?

18 A Yes.

19 Q And specific steps they plan to take to  
20 align with their new strategic plan?

21 A Yes.

22 Q Were you able to answer those questions?

23 A I think -- as I said in the previous  
24 email, I forwarded it to Nakeba Rahming, who was the  
25 program manager at the time, to answer it.

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1                   So I don't know if she copied me on her  
2                   answer or, or what-not. I know I sent it out to  
3                   Nakeba to answer.

4           Q       So you don't --

5           A       I don't remember if I was included on the  
6                   answer. I know that she answered. I just don't  
7                   know if she had a phone call or if she sent me an  
8                   email and then copied me or what.

9           Q       So you don't know what the specific plans  
10                  or detailed plans for improvement were?

11          A       I don't remember, no.

12          Q       Clarify one point. We talked before about  
13                  Ted Beck used to be the -- is it chief financial  
14                  officer?

15          A       Yes.

16          Q       Now Rusk Roam is?

17          A       Yes.

18          Q       When did that -- did Rusk Roam immediately  
19                  follow Ted Beck in that position?

20          A       No. Randy Trowell was interim for a  
21                  while.

22          Q       Do you know when those changes took place?

23          A       Either '19 or '20.

24          Q       For both? Or how long do you think Randy  
25                  Trowell served as interim?

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1           A     I think -- I think Ted left, I want to  
2     say, January of '19 -- January of 2018 or -- I mean  
3     2019. Then Randy was interim for a few months, and  
4     then Rusk became the CFO in '19, I believe.

5                     But those years could be shifted one year  
6     each way, so it could be '18 and '19 when the  
7     changes were made, but I just don't remember.

8           Q     That's your best estimate?

9           A     Yeah. The only thing I can tell you now  
10    is what was before the pandemic and what was after.

11          Q     That's a good dividing line.

12                     Are you familiar with the State's 2010  
13    audit of the GNETS program?

14          A     No.

15          Q     Had you heard of the State's audit?

16          A     No. That was before my time. I mean I  
17    might have seen it but I don't think so.

18          Q     Okay. Have you heard of anything having  
19    changed as a result of the audit or having been  
20    implemented as a result of the audit findings?

21                     MS. HERNANDEZ: Objection.

22          A     I don't know. The specific 2010 audit  
23    finding?

24          Q     Uh-hum.

25          A     I don't know.

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1 Q Has GaDOE developed financial requirements  
2 to hold programs accountable for staffing to the  
3 stated requirements?

4 MS. HERNANDEZ: Objection.

5 Q For GNETS programs?

6 A Could you repeat that question?

7 Q I'm sorry.

8 Has GaDOE developed consistent or  
9 financial requirements to hold GNETS programs  
10 accountable for staffing to the stated requirements?

11 MS. HERNANDEZ: Objection.

12 A I don't know.

13 Q Are you familiar with the GNETS rule?

14 A Maybe. I don't know. Can you be more  
15 specific?

16 Q It's a code section that sets forth the  
17 requirements for the State Educational Agency and  
18 Local Education Agencies, what they need to do.

19 A I've read -- if you're talking about the  
20 Board rule, yes. I've read that, yes.

21 Q Who do you understand to be the State  
22 Educational Agency in that rule? Do you have an  
23 understanding whether it's the Department of  
24 Education or the State Board of Education?

25 A I don't, I don't distinguish between the

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1 two. I think it's the Board and the Department of  
2 Education. I use the terms interchangeably.

3 Q So the GNETS rule requires the SEA to  
4 monitor GNETS to ensure compliance with federal and  
5 state rules, policies and procedures and the  
6 delivery of appropriate instructional and  
7 therapeutic services.

8 Is the Department of Education involved in  
9 that monitoring?

10 MS. HERNANDEZ: Objection.

11 A If we are, I don't know. That wouldn't be  
12 -- that's outside of my realm.

13 Q Were you in your current position -- I  
14 have to go back to my notes -- but in the summer of  
15 2016?

16 A In my current position, no. But I was at  
17 DOE, but yes.

18 Q Were you involved at all in any funding  
19 decisions relating to the State's closure of nine  
20 GNETS facilities during that summer?

21 A No -- I mean I don't remember -- I don't  
22 remember. I don't remember actually. I don't  
23 recall. I'm sorry.

24 Q Okay.

25 MS. TAYLOE: I think we're ready for one

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1 last break just to consult.

2 THE VIDEOGRAPHER: We're off the record at  
3 5:20 p.m.

4 (A recess was taken.)

5 THE VIDEOGRAPHER: The time is 5:32 p.m.  
6 We're back on the record.

7 BY MS. TAYLOE:

8 Q I just wanted to clarify, I asked you  
9 about Medicaid before but I don't know that I asked  
10 the question the right way, so can you tell us  
11 whether your office has any involvement in funding  
12 for services in schools that are reimbursable by  
13 Medicaid?

14 A I don't know. I know there was -- I don't  
15 know. I know there was something mentioned but I  
16 don't know the details off the top of my head.  
17 Yeah.

18 Q Is it -- like if I told you what services  
19 the State represents are offered in schools, would  
20 that help you, or that wouldn't help you because --  
21 I'm not sure what you're not clear comes from.

22 A There was something mentioned, that I  
23 don't know they were saying they could potentially  
24 be reimbursed by Medicaid. But I don't know what  
25 happened with that. I don't know where -- there was

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1 something -- this was back when Ted was still there,  
2 something that was mentioned then, but, again, it  
3 hadn't gotten to the point where it had gotten to  
4 me. It was just like I sat in on a conversation  
5 where it was mentioned, sat in on a meeting where it  
6 was mentioned, but I don't know any details, any  
7 more details than that.

8 Q Do you remember who was at the meeting  
9 where it was mentioned?

10 A Like I say, I just remember I think Ted  
11 was the one who said something, but I don't know who  
12 else was there.

13 Q And would you have remembered if anybody  
14 from another agency was at that meeting?

15 A Yes. I mean if it was a big meeting, I  
16 mean I'm assuming I would remember it more, but it  
17 must have been just us at DOE talking.

18 MS. GARDNER: I think then we're done.

19 Thank you so much for your time, Mr. Bell. I  
20 appreciate your patience working with me in all  
21 those budget terms and everything.

22 THE WITNESS: No problem.

23 MS. TAYLOE: Danielle, do you have any  
24 questions?

25 MS. HERNANDEZ: I don't, no.

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1 MS. TAYLOE: Then we're done. Thank you.

2 THE VIDEOGRAPHER: We're off the record at

3 5:34 p.m.

4 (Whereupon, the deposition concluded at

5 5:34 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of GERONALD D. BELL was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 258 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of January, 2023.



Wanda L. Robinson, CRR, CCR No. B-1973  
My Commission Expires 10/11/2023

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D I S C L O S U R E

STATE OF GEORGIA ) VIDEOTAPE DEPOSITION OF  
FULTON COUNTY GERONALD D. BELL - 1/09/23  
Pursuant to Article 10.B of the Rules and  
Regulations of the Board of Court Reporting  
of the Judicial Council of Georgia, I make the  
following disclosure:

I am a Georgia certified court reporter.  
I am here as a representative of Esquire Deposition  
Solutions, LLC, and Esquire Deposition Solutions,  
LLC was contacted by the offices of U.S. Attorney's  
Office to provide court reporter services for this  
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Esquire Deposition Solutions, LLC has no  
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DEPOSITION ERRATA SHEET

Our Assignment No. J9066991

Case Caption: UNITED STATES OF AMERICA  
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DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury  
that I have read the entire transcript of  
my Deposition taken in the captioned matter  
or the same has been read to me, and  
the same is true and accurate, save and  
except for changes and/or corrections, if  
any, as indicated by me on the DEPOSITION  
ERRATA SHEET hereof, with the understanding  
that I offer these changes as if still under  
oath.

Signed on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2023.

\_\_\_\_\_

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